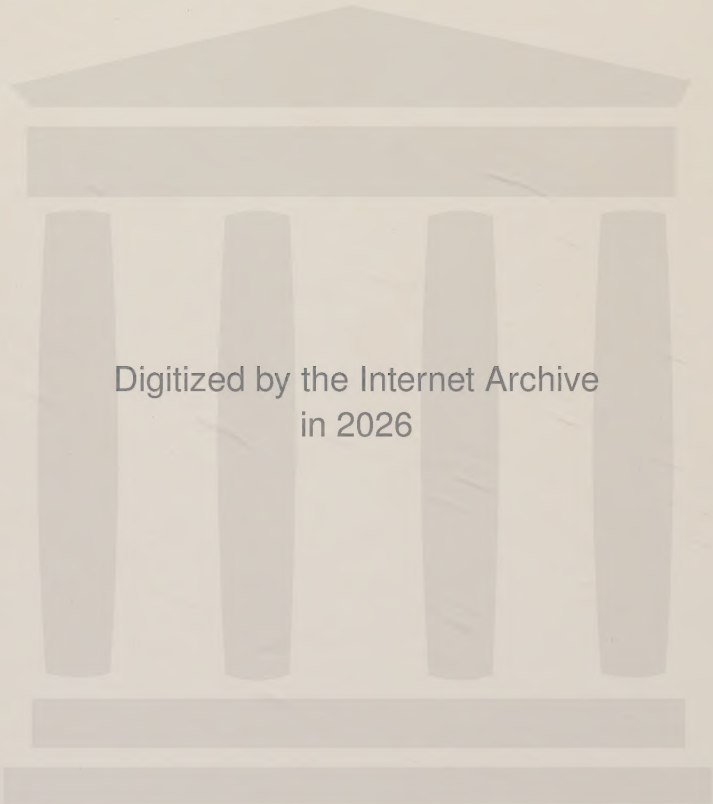
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HIS PARTICIPATION

IN THE

THEORETICAL CONTROVERSY

CONCERNING

THE POVERTY OF CHRIST AND THE APOSTLES

UNDER

POPE JOHN XXII

BY

REV. PATRICK GAUCHAT, O. M. CONV.

A THESIS

PRESENTED TO THE FACULTY OF PHILOSOPHY AND LETTERS
OF THE UNIVERSITY OF FRIBOURG (SWITZERLAND)
TO OBTAIN THE DOCTOR'S DEGREE

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Ordinis FF. Minorum Conventualium.

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† Fr. Aug. Zampini, Ep. Porphyreonen.,
Vic. Gen. Civitatis Vaticanae.

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PREFACE

It is a remarkable fact that perhaps no other Order of the Catholic Church has been so agitated by internal factions and external antagonists, already in the first century of its existence, as the organization of the peaceful Poor Man of Assisi. St. Francis was in his character and his mission a man of peace. In an epoch filled with political quarrels, with feuds between the various cities, St. Francis preached peace with God and one's neighbour to the people. To his followers he gave, besides the Evangelical counsels, special ordinances for the observance and strengthening of a peaceful life among themselves and with the world.

Already during the life of St. Francis and shortly after his death there arose in consequence of friction between ideal and reality, between the rule of the Order and its spirit, within the Order itself, a bitter contest over a more mitigated and a more severe practice of poverty. Neither is it astonishing that precisely in the Minorite Order the question of poverty should have such importance. For St. Francis' ideal of poverty was so sublime and seraphic, that a modification was necessary in the course of time in order that the Order should be firmly established in its field of labor. On the other hand, there were those within the Order who were so inflamed with the seraphic spirit that they

allowed themselves to advocate an unlimited idealism, refusing to accept the Papal declarations and privileges which were necessary for the ever increasing Order.

Although the Order felt the effects of the controversies concerning poverty during preceding years, it had never suffered a controversy like the theoretical controversy concerning the poverty of Christ, which broke out in the year 1321. During the controversy with the professors of the University of Paris in the middle of the thirteenth century, the Order had had quite a contest to defend itself; but then the Papacy protected the Minorites. In the theoretical controversy the circumstances were quite different. The Minorites no longer found a protector in the Pope, because the Pope favored the opinion of their opponents. Critical days came for the Order when some of the Minorites placed themselves in direct opposition to the orders of the Pope. But withal the Order passed safely through this crisis, due to the guidance of faithful sons within the Order. Among these Cardinal Bertrand de Turre stands out prominently.

The present work treats of Cardinal Bertrand de Turre and his activity in the controversy concerning the poverty of Christ and the Apostles. It is not a history of the controversy, but, nevertheless, I am forced to go into some detail, especially regarding its origin and development. For how can one understand the activity of a prominent person in this controversy without a sufficient and sound background?

There is very little known about Cardinal Bertrand de Turre although he was prominent in the theoretical controversy. In Tocco's work, *La Quistione della po-*

vertà, we find some mention of Bertrand, and also a part of the treatise which he wrote for the preparation of the decretal "Cum inter nonnullos." The treatise, however, has never been completely edited. In *AFH*, XVI, (1923) Oliger published for the first time the canonical proceedings of Bertrand against five Spirituals of the Province of Aquitaine, who fled from the Province (1315) while he was Minister Provincial. In Oliger's article may also be found a bibliography of previous works, which have in some way spoken of him. He mentions, however, that we have no monographical work about Bertrand or his literary activity. Recently, however, the literary activity of Bertrand has been treated by Langlois in the *Histoire littéraire de la France* (1924).

The scope of the present work is Bertrand's activity in the theoretical controversy and also his public life. The lack of sources which directly inform us about Bertrand, would perhaps seem to some to diminish Bertrand's importance in the theoretical controversy. This, however, is not exact. Cardinal Bertrand de Turre played an important part in the theoretical controversy concerning the poverty of Christ and the Apostles which justifies a work dealing with this activity.

It is a very pleasant duty for me to express my most sincere appreciation to Prof. Dr. Gustav Schnürer, my esteemed professor of the University of Fribourg, Switzerland. From the beginning to the end of the present dissertation, he was ever ready to assist me in every possible manner. Sincere thanks are likewise due to the Rt. Rev. Msgr. Dr. Francis Steffens and

Prof. Francis Benett, my professors of the above-mentioned institution. Finally, I wish to express my thanks to all those who have in any way assisted me during the preparation of the present work, as also during the original German text of the same.

Rome, Italy, Feast of St. Francis of Assisi, October 4, 1930.

The Author.

BIBLIOGRAPHY

Codex Vat. Lat. 3740 from the Vatican Library.

PRINTED WORKS.

A F – *Analecta Franciscana*, II. – *Glassberger's Chronicle* (1888), III. – *Chron. XXIV Min. Gen.* (1897), IV-V. – *De conformitate vitae B. Francisci... auctore Barth. Pisano.* Ad Claras Aquas, 1906-12.

AFH – *Archivium Franciscanum historicum.* Ad Claras Aquas, 1908 sqq.

Altaner Berthold, *Der Armutsgedanke beim hl. Dominikus in Theologie und Glaube*, XI (1919).

— *Die Beziehungen des hl. Dominikus zum hl. Franziskus* in *Franziskan. Studien,* IX (1922).

— *Der hl. Dominikus. Untersuchungen und Texte.* (*Breslauer Studien,* II). Breslau, 1922.

— *Zur Beurteilung der Persönlichkeit und der Entwicklung der Ordensidee des hl. Dominikus* in *Zeitschr. für Kirchgengeschichte*, XLVI (1927).

ALKG – *Archiv für Litteratur- und Kirchengeschichte des Mittelalters,* ed. by P. Heinrich Denifle, O. Pr., and Franz Ehrle, S. J., I-VII. Berlin, 1885 sqq., VIII sqq. Freiburg i. Br.

Alvarus Pelagius, O. Min., *De planctu Ecclesiae.* Libri duo. Lugduni, 1517.

Andreas Richi, O. Min., *Tractatus contra Fraticellos*, ed. L. Oliger, O. F. M. Un. Leon., in *AFH*, III (1910). *Separatim in documenta ad historiam Fraticellorum spectantia.* Ad Claras Aquas, 1913.

Balthasar K., O. F. M. Un. Leon., *Geschichte des Armutsstreites im Franziskanerorden bis zum Konzil von Vienne.* (*Finke Vorreformationsgeschichtl. Forschungen*, I). Münster, 1911.

BF - Bullarium Franciscanum, I-IV, ed. Hyacinth. Sbaralea, O. M. Conv., Romae, 1759 sqq., V-VII ed. C. Eubel, O. M. Conv. Romae, 1898 sqq.

Baluze-Mansi, *Miscellanea sacra.* 4 vol. Lucae, 1761-64.

Baluze Etienne, *Vitae Paparum Avenionensium.* Nova editio a G. Mollat, 4 vol. Parisiis, 1916-28.

Benoffi Fr., O. M. Conv., *Compendio di storia minoritica.* Pesaro, 1829.

Bernardus Guidonis, O. Pr., *Practica officii haereticae pravitatis.* Edition nouvelle éditée et traduite par G. Mollat, *Manuel de l'Inquisiteur*, 2 vols. (*Les classiques de l'Histoire de France au Moyen-Age*, 8-9. Paris, 1926-27.

Bierbaum M., *Bettelorden und Weltgeistlichkeit an der Universität Paris* (*Franziskan. Studien*, Beiheft 2). Münster, 1920.

Brettle S., O. M. Conv., *Ein Traktat Königs Robert von Neapel? « De evangelica paupertate »* in *Abhandlungen aus dem Gebiete der mittl. und neueren Geschichte und ihren Hilfswissenschaften.* Finke-Festgabe. (Vorreformationsgeschichtl. Forschungen. Supplement Band). Münster, 1925.

Callaey F., O. M. Cap., *L'Idéalisme franciscain spirituel au XIV^e siècle. Etude sur Ubertine de Casale.* (Univ. de Louvain, *Recueil de travaux d'hist. et philologie*, 28). Louvain, 1911,

Carlini A., *Fra Michelino e la sua eresia.* Bologna, 1912.

— *Della ritrattazione di Fra Michele di Cesena e del falso « Miserere ».* (Archivio Muratoriano, V). Città di Castello, 1908.

Cathrein V., S. J., *Moralphilosophie.* 6. Aufl. Leipzig, 1924.

Christen B., O. M. Cap., *Leben des hl. Franziskus von Assisi.* Neubearbeitet von H. Felder. 3. Aufl. Innsbruck, 1922.

Ciaconius-Oldoinus, *Vitae et gesta Pontificum Romanorum et S. R. E. Cardinalium.* Vol. II, Romae, 1677.

Delorme F., O. F. M. Un. Leon., *Fr. Thomas d'York. La première Somme métaphisique du XIII^e siècle. AFH,* XIX (1926).

Denifle-Chatelain, *Chartularium universitatis Parisiensis.* 4 vol. Parisiis, 1889-97.

Ehrle Fr. (Card.), S. J., *Die Spiritualen, ihr Verhältniss zum Franziskanerorden und zu den Fratizellen,* in *ALKG,* III-IV.

— *Zur Vorgeschichte des Konzils von Vienne* in *ALKG,* III.

— *Die Ehrentitel der scholastischen Leher des Mittelalters.* (Sitzungen der Bayer. Akademie der Wissenschaften, hist. Klasse). München, 1919.

— *Petrus Johannis Olivi. sein Leben und seine Schriften,* in *ALKG,* III.

Eubel C., O. M. Conv., *Hierarchia Catholica.* Editio nova, 3 vol. Monasterii, 1913-1923.

— *Geschichte der oberdeutschen Minoritenprovinz.* Würzburg, 1886.

Felder H., O. M. Cap., *The Ideals of St. Francis of Assisi.* Engl. transl. by Bittle, O. M. Cap. New York (Benziger), 1925.

Finke H., *Acta Aragonensia.* 3 Bde. Berlin u. Leipzig, 1908-22.

Friedberg E., *Corpus iuris canonici.* II Pars. Lipsiae, 1881.

Hauck A., *Kirchengeschichte Deutschlands.* 5. Bd. Leipzig, 1. Hälfte 1911, 2. Hälfte, 1920.

Hauréau B. H., *Hervé Nédélec (Hervaeus Natalis), Général des Frères Prêcheurs,* in *Hist. litt.,* XXXIV (1914).

Hefele C. J., *Konziliengeschichte.* 2. Aufl., 6. Bd. Freiburg i. Br., 1890.

HIST. litt. – Histoire littéraire de la France. Paris, 1825 sqq.

Hofer J., C. SS. R., *Biographische Studien über Wilhelm von Ockham* in *AFH,* VI (1913).

— *Die Geschichte des Armutsstreites in der Chronik des Johann v. Winterthur* in *Zeitschr. für schweiz. Kirchengesch.,* XXI (1927).

Jemello, *Il libro « Minoritarum » di Bartolo e la povertà minoritica nei giuristi del XIII e XIV secolo.* Sassari, 1921.

John of Winterthur, O. Min., *Chronica. MGH. SS. rer. germ.* Nova series, Tomus III. Berlin, 1924.

Langlois C., *Bertrand de la Tour, Frère Mineur*, in *Hist. littéraire*, XXXVI (1924).

— *Guiral Ot (Gerald Odonis), Frère Mineur*, in *Hist. litt.*, XXXVI, Ie Partie.

— *Vidal du Four (Vitalis de Furno), Frère Mineur*, in *Hist. litt.*, XXXVI, Ie Partie.

Lambermond H. C., O. Pr., *Der Armutsgedanke des hl. Dominikus und seines Ordens*. (Dissertation, Fribourg, Switzerland), Zwolle (Holland). 1926.

Little A. G., *The Grey Friars in Oxford* (Oxford Hist. Soc.). Oxford, 1892.

— *The Franciscan School at Oxford in the Thirteenth Century*, in *AFH*, XIX (1926).

Müller K., *Der Kampf Ludwigs des Bayern mit der römischen Curie*. 2 Bde. Tübingen, 1879-80.

— *Einige Aktenstüke und Schriften zur Geschichte der Streitigkeiten unter den Minoriten in der ersten Hälfte des XIV. Jahrhunderts* in *Zeitschr. für Kirchengeschichte*, VI (1884).

Oliger L., O. F. M. Un. Leon., *Fr. Bertrandi de Turre Processus contra Spirituales*, in *AFH*, XVI (1923).

— *Fr. Bonagratia de Bergamo et eius tractatus de Christi et Apostolorum paupertate*, in *AFH*, XXII (1929).

Petrus Rodulphius Tossinianensis, O. M. Conv., *Historia seraphicae Religionis*. Libri Tres, Venetiis, 1586.

Pitra J. (Card.), *Analecta novissima Spicilegii Solesmensis*. Altera continuatio. Tusculani, 1885-88.

Reichert B. M., O. Pr., *Acta capitulorum Generalium O. Pr.*, I-II. Romae, 1898-99. (Mon. Hist. Ord. Pr. 3-4).

— *Litterae Encyclicae magistrorum generalium Ord. Pr. saec. XIII et XIV*. (Mon. Hist. Ord. Pr. 5). Romae, 1900.

René de Nantes, O. M. Cap., *Histoire des Spirituels dans l'Ordre de Saint François*. Paris, 1909.

Riezler S., *Die literarischen Widersacher der Päpst zur Zeit Ludwigs des Bayern*. Leipzig, 1874.

— *Vatikanischen Akten zur deutschen Geschichte in der Zeit Kaiser Ludwigs des Bayern.* Innsbruck, 1891.

Ratti A., *Le condizioni politico-religiose dell'Italia superiore nella relazione di Bertrando della Torre e Bernardo Gui, Legati apostolici (an. 1317), ed altri documenti contemporanei*, in *Rendiconti del Reale Istituto lombardo di scienze e lettere.* Serie II, vol. XXXV (1902). Milano.

Sbaralea H. C., O. M. Conv., *Supplementum et Castigatio ad Scriptores Trium Ordinum S. Francisci.* Editio secunda. Romae, I (1908), II (1921) (continuabitur).

Schnürer G., *Kirche und Kultur im Mittelalter.* II. Bd. Paderborn, 1926.

Seppelt Fr., *Der Kampf der Bettelorden an der Universität Paris in der Mitte des 13. Jahrhunderts.* I Teil. (Kirchengeschichtl. Abhandl. 3). Breslau, 1905.

Teetaert A., O. M. Cap., *Un grand docteur Marial franciscain: Pierre d'Auriol*, in *Etudes Franciscaines*, XXXIX (1927) et XL, (1928).

Thomas A., *Bernard Gui, Frère Prêcheur*, in *Hist. litt.*, XXXV (1921).

Tocco F., *La Quistione della Povertà nel secolo decimoquarto.* Napoli, 1910.

— *Studi Francescani.* Napoli, 1909.

— *L'eresia nel Medioevo.* Firenze, 1884.

Valois Noël, *Jacques Duèse (Pape Jean XXII)*, in *Hist. litt.*, XXXIV (1914).

W - Wadding L., O. M. Observant., *Annales Ordinis Minorum.* II editio. Romae, 1732 sqq.

— *Scriptores Ordinis Minorum.* III editio, Romae, 1906.

CHAPTER I.

The Origin of the Theoretical Controversy about Poverty.[1]

The unhappy controversy, which broke out in the year 1321 between the Minorites and the Dominicans, did not treat of a new question. Difference of opinion concerning the renunciation of earthly goods by Jesus and His disciples had

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[1] The controversy about the poverty of Christ, which broke out openly in the year 1321, is termed by Ehrle (*ALKG.* IV, 45 sqq.) the "theoretical controversy about poverty." Balthasar finds fault with this title. He says (*Gesch. des Armutsstreits*, p. 155): "The term (namely "theoretical") does not precisely distinguish between the two stages of the controversy, because the controversy within the Order concerning the question of poverty, since the appearance of Olivi, has also a theoretical character." He believes, therefore, that the controversy between Olivi and his adherents on one side and the Community of the Order on the other was already theoretical, and therefore the later controversy is not the "theoretical" controversy about poverty. Nevertheless, I can not accept Balthasar's opinion as correct. For the strife between the Spirituals under Olivi and the Community of the Order centered itself on the question, whether the vow of poverty, in itself considered, included also restriction in the use of things, or as the technical expression read, the "usus pauper." The question was, to be sure, theoretically discussed by Olivi, but the question remained in itself a practical question because it pertained directly to the practice of the vow of poverty. For this reason Ehrle calls this controversy a "theoretical practical" controversy about poverty, in order to distinguish it from the former "purely" practical contentions of the Spirituals and the later "purely" theoretical controversy under Pope John XXII. But the controversy about the poverty of Christ, which is called "theoretical" is not only theoretical in its manner of discussion; the very subject of discussion is purely theoretical. As we shall see in the course of this chapter, the theoretical controversy centered itself on the question, "whe-

already previously existed between the two Orders. We find the real beginning of this difference of opinion, or contention, in the first years of the existence of the two Orders. In the course of time, however, various elements found their way into the controversy which tended to make the question more acute, but the deeper reasons of all later events lay in the different conceptions of the non-possession of property.

The non-possession of property by the community as such was acknowledged by the newly-founded Mendicant Orders as the dominant principle. The old monks strictly observed the renunciation of all possession for the individual members of the community, but the right of the community as such to possess property was permitted, and seldom was this right of the community restricted. With the establishment of the Minorites and the Dominicans came also the new idea of absolute renunciation of property, not only for the individual members

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ther Christ and the Apostles had possessed with proprietary rights any earthly goods in common, and whether they had, therefore, renounced the right of ownership even of those insignificant things necessary for everyday life (e. g. clothes, eatables etc.), and retained only the actual use of such articles." It is in itself a purely theoretical, speculative question, which has nothing to do with the practice of poverty. For this reason one would be justified in calling this controversy the " speculative " or " dogmatical " or " theological " controversy about the poverty of Christ. But I retain the old name " theoretical " because I see no necessity for changing it. Nevertheless, I have used a more exact title by introducing the words, " theoretical controversy about the poverty of Christ under Pope John XXII," and not without reason. First of all, the words " Theoretical controversy concerning the poverty of Christ and the Apostles " show us clearly that the controversy is not about poverty in general, but precisely about the poverty of Christ. Secondly, the words " under Pope John XXII " show us the exact period in which the controversy took place. These latter words would not be absolutely necessary, since there is no other " theoretical " controversy concerning the poverty of Christ. However, with this phrase one grasps at once without the slightest difficulty the object of this work.

of the community, but also for the community as such. This principle became for the newly-founded Orders an essential principle in the history of their development. However, the idea of renunciation of temporal goods, or absolute poverty, of St. Francis, was not identical with that of St. Dominic.[1]

After two companions, Bernard of Quintavalle and Peter Cattani, had joined St. Francis with the wish of becoming his followers, St. Francis realized the necessity of establishing a definite norm of living for himself and his companions. The three, therefore, betook themselves to the Church of St. ~~George~~ Nicholas at Assisi, in order to learn from the Gospel that which the Lord had taught His disciples. After earnest prayer for enlightenment in their important affair, St. Francis proceeded with the closed Gospel book before the altar, and, kneeling down and opening the book at random, he came across the words: "If thou wilt be perfect, go and sell all that thou hast, and give it to the poor, and thou shalt have treasure in heaven: and come and follow me" (Matt., XIX, 21). And opening the book for the second and third time, he found the words: "Take nothing for your journey, neither staves nor scrip, neither bread, neither money; neither have two coats apiece" (Luke, IX, 3). And: "If any man will come after me, let him deny himself, and take up his cross and follow me" (Matt., XVI, 24). "Brothers," exclaimed Francis, "That is our life and our rule, and that of all those who

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[1] For the ideal of poverty of St. Francis cf. Ehrle, *Die Spiritualen*, *ALKG*, III, 554 sqq.; cf. also Balthasar, *Armutsstreit*, 1 sqq.; especially the magisterial work of Felder, *The Ideals*, chap. V-VI. Concerning the ideal of poverty of St. Dominic cf. Altaner's articles as listed in bibliography; cf. also Lambermond, *Der Armutsgedanke*. Concerning Lambermond's work cf. Altaner's criticism in *Theol. Revue* (Münster, 1927), 382-83. Lately Scheuben has also written: *Der hl. Dominikus*, Freib. i. Breis., 1927. Concerning this latter book cf. Altaner's article: *Zur Beurteilung der Persönlichkeit u. s. w.*

wish to join our society. Go, therefore, and act as you have heard." [1] This took place on April 16, 1209.

Francis saw his rule contained in the Gospel; he wished to follow literally the counsels contained therein. [2] His life and the life of his followers must be, after the example of Jesus and His disciples, a life of penance and mortification. Following the example of Jesus and His disciples, he and his followers should possess nothing. Neither houses nor churches, nor household and church furniture, not even books, were to be allowed to belong to him and his society. Only when the brothers for the time being needed something that was necessary for the body, could they, like the ordinary people did, accept it; but in no case whatsoever should money be accepted. Ownership of temporal goods, not only in regard to the individual members of the community but also in regard to the community as such, should be unknown to his society. For St. Francis poverty for the sake of Christ was, and always remained, the first and last means of self-sanctification. The life of his followers was to consist principally in an inner and contemplative life, and only in the second place in apostolic activity. [3]

St. Francis held steadfastly to this conceived ideal throughout his entire life. With him there was no hesitation concerning the ideal of poverty. The poor life of Jesus and His Apostles was the norm of life for his new society.

The situation, however, in regard to the life of St. Dominic is different. St. Dominic's conception of poverty did not re-

[1] Cf. Christen, *Leben des hl. Franziskus*, 71-72.

[2] That St. Francis overlooked some Gospel texts has already been observed by Soiron, O. F. M. Un. Leon. in *Franziskanische Studien*, IV (1917), 1-17; cf. also Felder, l. c., p 97.

[3] It remains without a doubt that St. Francis really wished the apostolic life. He labored continually as a preacher, and even went to the East as missionary in order to convert the Mohammedans. Cf. Felder, l. c., chap. XV-XVI; cf. also Ehrle, *ALKG*, III, p. 556, n. 4.

main the same during all periods of his life. Especially do we find a certain development in regard to his idea of absolute renunciation of temporal goods by the community as such.

After St. Dominic had finished his theological studies at the University of Palentia, he was appointed sub-prior of the cathedral chapter of Osma by Don Diego D'Azevedo, Bishop of Osma. As Diego in service for his king departed on a long journey, he took Dominic with him as a companion. While on their journey they passed through southern France where at that time the Catholic Faith was violently attacked by the Albigensian heretics. Especially Toulouse seemed to be the center of the activity of the heretics. The ecclesiastical preachers in this region had shown very little success in their campaign against the heretics, and, accordingly, in the year 1205 or 1206 the Cistercian abbots, who had been sent there by Pope Innocent III to preach to the heretics, assembled at Montpellier. They wished to confer with the bishops and archbishops of the region in order to decide on the best manner of proceeding that they might instruct the heretics and wipe out the heresy. Diego and Dominic also took part in this conference. As Diego was asked for his opinion on the matter, he stated very decidedly that heretofore the labor of the Papal legates had proved unsuccessful because they were accompanied on their missions by ostentatious retinues befitting only a lord or a nobleman. The Albigenses, on the other hand, insisted on evangelical simplicity and severity. In order to convert such people, therefore, it was necessary to have preachers who, like the Apostles, travelled on foot without ostentation. And in order to set the example for those present, Diego dismissed his entire retinue, so that only he and Dominic and a few clerics remained, with whom he began to preach to the heretics. Diego and Dominic labored successfully among the heretics, but when Diego returned to his native diocese in the year 1207, and there died on Feb-

ruary 8, 1208, Dominic found himself alone in his work among the heretics. Already in the year 1206 Dominic and Diego had taken over a convent near Prouille from the Cistercians for the reception of poor noble girls who, belonging to heretical families, had been converted and brought back to the Church. This convent became the headquarters for Dominic and his preachers. As new companions joined Dominic in his work among the heretics, he sought to organize them into an ecclesiastical society. But because their activity was restricted to the Diocese of Toulose, they were absolutely under the jurisdiction of the bishop of said diocese. As his followers steadily increased in numbers Dominic sought the approbation of his small society from Rome, and in 1215 betook himself to Pope Innocent III. Since the IV Lateran Council (1215) had decreed that in the future no new Order should be founded, the Pope refused Dominic's plea. He advised Dominic to return to his followers and together with them to choose one of the then existing rules, since the Lateran decree was especially against the constitution of a new religious rule.

Returning home Dominic consulted with his followers (1216) and they finally chose the rule of St. Augustine (Dominic was formerly a Canon Regular of St. Augustine at Osma), to which they added some regulations of their own. Dominic now returned to Rome for the approbation of his society, and on December 22, 1216, received the long desired approbation from the reigning Pontiff Honorius III with the bull *Religiosam vitam eligentibus.* [1]

Looking back over the first period of Dominic's apostolic life we do not find him with the conception of absolute poverty. Dominic and his companions led a poor, apostolic life; but they did not consider poverty as the very foundation of their society. They wished only through the attractive power

[1] Cf. Lambermond, l. c., p. 6 sq.

of good example to repair in some manner the damage caused by the many unworthy priests and religious. In many of the still extant documents of the convent of Prouille from 1206 to 1215, we find along with the names of the sisters and brothers explicitly and, at the head of them all, *Dominus Dominicus Canonicus Oxomensis,* as the recipient of property and revenues. Such documents show us that the principle of absolute poverty as the basis for his new society is still at this period unknown to Dominic. The assertion that Dominic during this period interiorly thought otherwise than he acted, and that for the time being he made concessions only because certain circumstances forced him to do so exteriorly, cannot be accepted without a convincing proof.

Even in the period from 1215 to 1217, when Dominic and his companions, although united in an organization, still labored only in the Diocese of Toulouse, we do not find any evident sign of a conception of absolute poverty for the community. [1]

When Dominic sent his followers out into the wide world in the year 1217, we begin to observe quite evident signs of Dominic's conception of absolute poverty for the community. Other steps were necessary for the spreading of the Order throughout the whole world. Such an extensive activity of the preachers demanded that they should not be impeded in their work by temporal cares. For this reason Dominic wished to renounce the possession of property and live on the rents and revenues; thus the preachers could devote themselves entirely to their apostolic activity without having the many cares and troubles occasioned by the possession and manage-

[1] Concerning the tenableness of Jordan's testimony that Dominic and his followers already in the assembly in 1216 wished to abolish all possession and live only from revenues, cf. Altaner, *Der Armutsgedanke.* l. c., p. 406 sq., and in *Theol. Revue* (1927), p. 382-83. — Lambermond, l. c., pp. 10-11 defends the tenableness of this testimony.

ment of property. This conception of absolute poverty became thenceforth ever clearer until Dominic's endeavor for the execution of his ideal was crowned with success in the first official Chapter of the Order at Bologna in 1220.

At the Chapter of Bologna, Pentecost, 1220, it was decided: *Ne possessiones vel reditus de cetero tenerent fratres nostri.* By virtue of this decree, prohibiting the possession of land and determined rents or revenues from land, the Order was to be stripped of such not only for the future but also of all such possessions which at that time belonged to it. From then on this decree belonged to the Constitutions of the Order.[1]

From what has been said one may see the difference between the conception of poverty of St. Francis and of St. Dominic. St. Francis wished his followers to possess nothing after the example of Christ and the Apostles. For him holy poverty for the sake of Christ remained the first and last means of self-sanctification. In this respect he went to the extreme, because for him it was a logical consequence that the end in view could be more completely attained when holy poverty (the means) was more strictly practised. With St. Dominic, on the other hand, we find ever the conception: "Preaching is the principal end of my society; poverty is a means to remove temporal cares so that the preachers may devote themselves wholly and entirely to preaching. Poverty

[1] Reichert, *Acta*, 1, p. 1-2. It is disputed whether St. Francis really exercised an influence on St. Dominic in regard to absolute poverty. A personal encounter between the two saints before the year 1221 cannot be proved: however, an influence on the conception of poverty of St. Dominic and his followers on the part of the Minorites, who were already numerous in Italy before the year 1221, is easily possible. Just as possible is the influence of Cardinal Hugolin on St. Dominic, because he met St. Francis in Florence already in the summer of 1217 (cf. Callebaut in *AFH*, XIX [1926], p. 530 sq.), and became thoroughly acquainted with the ideas of St. Francis. On the other hand, Cardinal Hugolin was very intimate with St. Dominic. — Cf. Altaner, *Die Beziehungen* and *Lambermond*, l. c., chap. IV.

must, therefore, be as severe as the principal aim requires. When the principal aim of the society demands a moderation, this must take place." [1] For this reason St. Dominic never went to the extreme in regard to the non-possession of the community. Even after the Chapter of Bologna the Dominicans held fast to the possession of their convents and churches, but the Minorites had renounced the ownership also of these from the very beginning. Both Francis and Dominic took the life of Christ and the Apostles as the standard of the life of their respective organizations, each one laying stress on a particular part of the life of the Apostolic College. St. Francis emphasized the poor and lowly life of Jesus and the Apostles with preaching in the second place; St. Dominic emphasized the apostolic activity of Jesus and the Apostles with their humble and lowly life in the second place.

It is, therefore, not astonishing that the different conceptions of the two Founders in regard to the absolute renunciation of temporal goods by Christ and the Apostles led to difficulties between the members of the two Orders. Neither St. Francis nor St. Dominic wished to quarrel about such affairs, because each felt himself called by God in a special manner; and each wished to serve the Lord in the manner in which he felt himself called. Circumstances, however, were different with the followers of the two Founders, who wished to represent the ideals of their respective organizations.

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[1] Lambermond, l. c., p. 14, says that St. Dominic's idea of poverty remained always the same. It is true that St. Dominic's idea of poverty was always: "Poverty is a means of better attaining the principal aim, the salvation of the faithful by means of preaching." But precisely because St. Dominic's aim was essentially extended, so also was his idea of poverty essentially extended. Altaner in his above-mentioned articles demonstrates that St. Dominic in the period 1205-15 occupied himself wholly with the conversion of the Albigenses, and did not think of founding a universal Order. Only afterwards did this thought come to him and with this thought came also an "essential" change in his ideal of poverty.

It is true that the Dominicans approached the Minorite principle of absolute poverty for the community at the Chapter of Bologna, but it is also true that in the course of time the Minorites approached the ideal of the Dominicans in other matters. The care of souls (pastoral activity), which was one of the foremost duties of the Dominicans from their very foundation, was taken up by the Minorites in the course of time by wish of the Popes. The Popes recognized in the Friars a strong support with which they hoped to better the then existing lamentable conditions of ecclesiastical affairs. In order to better such conditions it was first of all necessary to break down the opposition which the secular clergy, sometimes from jealousy, sometimes from selfishness, directed against the Friars in their new duties. This was the reason of the numerous privileges and exemptions which placed the Friars more and more outside the jurisdiction of the pastors and bishops.[1] In order to prepare able preachers for their apostolic activity, it was necessary to organize the studies. Soon there appeared in the various cities new and large Minorite convents to provide shelter for the numerous brothers. In order to build, land and material were necessary. When the question arose as to whom these donated things belonged, Pope Gregory IX decided in *Quo Elongati* (Sept. 28, 1230) that the Minorites, neither as individuals nor as a community, could lay claim to the ownership of anything.[2] The donor of any immovable property retains the ownership while the Friars have only the use of it. In order to provide themselves with the things necessary for their livelihood, Gregory allowed the Friars the right to commission one of their friends, to

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[1] For the privileges of the Minorite Order cf. B. Mathis, O. M. Cap., *Die Privilegien im Franziskanerorden bis zum Konzil von Vienne*, Paderborn, 1927 (Dissertation. Fribourg, Switzerland). For the development and the so-called transformation of the Order cf. Ehrle, *Die Spiritualen*.

[2] *BF.* I, n. 63; Eubel, *Epitome*, 229.

whom all alms intended for the Friars should be consigned. This friend then provided for the Friars with these alms.

We see, therefore, that the Minorites gradually took on a milder observance of poverty. But let us not overlook that this milder observance of poverty was absolutely a logical consequence of the new work which had been given to the Minorites by the Popes in the interests of the Church and their neighbor. Under the guidance of the Popes they had been drawn from their original very strict observance of poverty to a milder practice because the Popes judged them necessary for the Church in new fields of labor. It is not difficult to understand that, being drawn out more and more from their hermitages and retreats, their new duties demanded more bodily exertion, and many of the original severe penances could not be so strictly enforced if they were to conscientiously perform their new duties. Although the circumstances brought about a milder practice among the Minorites, their principle of non-possession by the community remained ever the same. During the pontificate of Pope Innocent IV (1243-54) the milder practice in regard to poverty and, at the same time, the firm adherence to the principle of absolute non-possession became ever more distinct from one another.

Under Innocent IV the acquisition of convents and churches proceeded rapidly. He confirmed many privileges of the Minorites. Nevertheless, we find precisely in 1245 the constitution *Ordinem vestrum* (Nov. 14), on which the official intepretation of the Order concerning poverty was based.[1] In this constitution the Pope declared clearly and emphatically that the ownership of all movable and immovable goods of the Minorites belongs to the Holy Roman Church. The Pope likewise permitted a moderation in regard to the prohibition concerning money. The *necessitates* upon which Pope Gregory IX had so insisted were now placed on the same level

[1] *BF*, I, n. 400; Eubel, *Epitome*, 238.

with *utilitates* and *commoda*. The Order, however, at the Chapter of Metz (1255), realizing the ever increasing inconveniences arising from these too loose terms, renounced its right to the use of this concession, and was content to remain within the limits formerly set down by Gregory IX.[1]

Since the activity of the Minorites approached ever nearer that of the Dominicans, one could have naturally expected a certain rivalry between members of the two Orders. It must really have been hard for the Dominicans to understand how the Minorites adapted themselves to a more moderate practice of poverty, as their activity demanded, and at the same time clung so tenaciously to their principle of absolute non-possession, as in the first days of their Order. At the same time this absolute poverty of the community gave the Minorites precedence over the other Orders. In fact, already at an early period we find traces of dissensions between members of the two Orders. The General Chapter of the Dominican Order at Paris in 1236 warned the brothers to keep peace with the Minorites.[2] Probably the recent removal of the Minorites into the city of Paris itself and the erection of their convent there caused these dissensions and bickerings.[3] For the Minorites like the Dominicans frequented the University of Paris. In 1243 Matthew of Paris tells us of the great controversy between the Minorites and the Dominicans

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[1] Benoffi, *Storia minoritica*, p. 72; cf. Ehrle, in *ALKG*, III, p. 584. — Concerning the year of the Chapter of Metz cf. M. Bihl in *AFH*, III (1910), pp. 601-614.

[2] Reichert, *Acta*, I, p. 9.

[3] The Minorites came to Paris in the year 1219 or 1220; but only in the year 1230 did they finally establish a permanent residence, when they settled on the property given to them by the abbot of the Convent of St. Germain des Prés. Here shortly afterward arose *Le Grand Couvent des Cordeliers*, cf. Seppelt, *Der Kampf*, etc., p. 237; also M. Arrivot, *Le trésor du grand couvent des Cordeliers de Paris*, in *Rev. d'histoire franciscaine* (Paris), II (1925).

in England, and especially concerning poverty and precedence.[1] That it was a question of objective facts we can readly see from the letter of the General of the Dominicans, John Teutonicus, in 1246; he admonished the Dominicans to keep peace with the Minorites.[2]

However, only by the controversy with the professors of the University of Paris was a solid theoretical foundation prepared for the later controversy between the two Orders.

This controversy, which began in the year 1252, was primarily a question of the right of the Mendicants to teach at the University of Paris.[3] The Minorites and the Dominicans had had professors at the University for quite a time. The professors from the secular clergy had always resented that the Mendicants should teach at the University, and now matters came to a climax. William of St. Amour, Gerard of Abbeville, and others disputed the right of the Mendicants to teach at the University. Consequently the Mendicants were deprived of their chairs. But Pope Alexander IV in the year 1255 ordered the reinstallation of the Mendicant professors at the University. But when William of St. Amour, the same year or at the beginning of 1256, published his *Tractatus de periculis temporum novissimorum,* the contention developed into an attack against the very essence or character of the Mendicant Orders.[4] For William pointed out that the founding of the Mendicant Orders was in itself unlawful and

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[1] *Chron. major*, ed. Luard, IV, 279; *Mon. Germ. Hist.*, SS. XXVIII, p. 234; cf. Little, *Grey Friars*, p. 71.

[2] Reichert, *Litterae Encycl.*, p. 71.

[3] Concerning the conflict between the professors of the University of Paris and the Mendicants cf. Seppelt, *Der Kampf*, and Bierbaum, *Bettelorden*, etc. In this latter work, besides an introduction into the literary controversy between the two contending factions, are also published some hitherto unpublished writings of participants in the controversy.

[4] This treatise has been partially published by Bierbaum, l. c., pp. 1-37; cf. also notes, l. c., pp. 379-84.

contrary to Christian perfection. Pope Alexander IV intrusted a commission of four cardinals to examine William's treatise. On Oct. 5, 1256, a meeting was held at Anagni where St. Bonaventure, St. Thomas, and Bl. Albert the Great were present at the Pope's side to defend the Mendicants. The treatise was condemned by the Pope as *magni scandali seminarium et multae tribulationis materia.*

The condemnation of William's book was followed by a literary controversy between the Mendicants on one side and the professors of the University of Paris on the other. The Mendicants who principally wrote against William's book were St. Thomas of Aquinas,[1] St. Bonaventure,[2] and the Minorite author of the treatise *Manus quae contra Omnipotentem tenditur.*[3] Also the Minorite John of Pecham soon took

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[1] In the year 1256, St. Thomas wrote his work *Contra impugnantes Dei cultum et religionem* against William of St. Amour. This work was written shortly after the above-mentioned disputation before the Pope at Anagni. This work contains the thoughts of Albert the Great, the principal defender of the Mendicants during the said disputation. Cf. Lambermond, l. c., p. 57 sqq.

[2] St. Bonaventure, who since the year 1248 had been *lector licentiatus* in the University of Paris, towards the end of 1255 or the beginning of 1256, wrote his *De paupertate evangelica* against William of St. Amour (*Op. om. of S. Bonav.*, V, 121-165); in 1269-70 he wrote his *Apologia pauperum contra calumniatorem* against Gerard of Abbeville (*Op. om.*, VII, 233-330).

[3] Bierbaum, l. c., 37-169, publishes for the first time a document which was written by a Minorite against William of St. Amour in 1256-57. He ascribes (l. c. 273-343) this treatise to the Minorite Bertrand Strabo of Bayonne, from the Province of Aquitaine. Pelzer, S. J. in *AFH*, XVI (1923), p. 1 sqq., points out that according to the testimony of the *Chron. XXIV Min. Generalium* (*AF*, III, pp. 273-74) Bertrand of Bayonne died already in 1251-52. Delorme, in *AFH*, XIX (1926), p. 881 sqq., ascribes this treatise to the English Minorite Thomas of York and even says that the controversy concerning the authorship of this treatise is now finished, since the treatise was certainly written by the aforesaid. Whether Delorme will have the last word in this dispute is yet to be seen.

a share in the controversy.[1] Among those on the side of the professors we find principally Gerard of Abbeville and Nicholas of Lisieux. William of St. Amour also wrote another treatise against the Mendicants about 1265-66.

Although many questions were discussed in this strife, the principal ones remained "evangelical perfection and poverty." The question "in what does evangelical perfection consist," was identified with the discussion "whether or not the religious state was more perfect than that of parish priests." Naturally the professors considered the religious state as less perfect, and thence came the discussion regarding perfection itself. Since the Mendicants were considered more perfect than the other Orders on account of their non-possession of the community, the second question arose "whether to possess anything in common diminishes perfection." It was this latter question which, passing from a discussion between the Mendicants and the professors, was discussed by the Minorites and Dominicans, and formed a direct preparation for the later contention about the poverty of Christ and the Apostles.

St. Thomas in his already mentioned work *Contra impugnantes,* against William of St. Amour, answers the second question, saying that the highest degree of poverty constitutes the highest degree of perfection. In his defense of the Mendicants against the professors we find St. Thomas, therefore, representing the extreme point of view in regard to

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[1] The English Minorite John of Pecham (not Peckham) wrote his *Tractatus pauperis* against the Parisian master, Gerard of Abbeville, 1269-71, while he was *magister regens* in Paris. He died as Bishop of Canterbury Dec. 8, 1292. Concerning him and his writings cf. Little, *Franciscan School,* in *AFH,* XIX (1926), pp. 852-55; also A. Van den Wyngaert, O. F. M. Un. Leon., *Tractatus pauperis a Fratre Joanne de Pecham, Ordinis fratrum minorum,* Paris, 1925 (Editions de *La France franciscaine,* I).

absolute poverty, as the Minorites themselves did. When the danger for the Mendicants had passed and the contentious question about perfection was discussed by the Minorites and the Dominicans, we find St. Thomas expressing himself otherwise. When St. Thomas wrote his *Summa contra Gentiles* and especially his *Summa Theologica*, we find him defending his Order against the utterances of the Minorites. So he writes in the *Summa Theol.*,[1] that perfection consists in love and not in poverty. The absolute perfection, therefore, of an Order must not be reckoned absolutely by the degree in which poverty is observed by the Order but rather by the right proportion of the observance of poverty to the end, or aim, of the Order. Furthermore, he emphasizes that, although through absolute non-possession of the community the observance of the poverty of an Order will be more perfect, the Order itself will not for this reason alone be more perfect. One can note that St. Thomas strives to correct his former extreme point of view in regard to the non-possession of the community because such a view is favorable to the Minorites. It is disputed whether these opinions of St. Thomas contradict one another, that is, whether he in his later opinion retracts that which he formerly asserted, or not. Ehrle[2] and recently Lambermond[3] see no contradiction between the two opinions of St. Thomas. Whether it is really as they think or not, one thing is certain: St. Thomas in his *Summa* writes against the theory of the Minorites concerning absolute non-possession of the community in defense of his own Order, and modifies his former extreme point of view concerning this question. If he does not contradict himself in this modification he is certainly vague and doubtful in solving the difficulty. The leader of the Spirituals, Olivi, was decidedly

[1] *Summa theol.*, II[a], II[ae], q. 184-188.

[2] *Die Spiritualen*, in *ALKG.* IV, p. 47.

[3] L. c., p. 59 sqq.

against St. Thomas because he saw a contradiction between the two opinions.[1]

Since the later dissensions between the Minorites and the Dominicans under Pope John XXII are directly linked with the present contention between the two Orders, let us note how the teaching of the Minorites was theoretically developed during this contention. In fact, the Minorite teaching concerning the absolute non-possession by the community was put on a solid basis during this contention in as far as it was theologically developed. Let us briefly sum up the teaching of the Minorites.

The teaching of the Minorites who took part in this discussion, especially of St. Bonaventure, consists principally in the following propositions: 1) possession in common (*habere aliquid in communi*) necessarily diminishes the perfection of the poverty of the Minorite rule and of the Order (direct consequence of the above-mentioned teaching of absolute perfection); 2) the poverty of the rule of St. Francis, which renounces also possession in common, is, therefore, the supreme religious perfection (directly against the doctrine of the Dominicans); 3) this supreme Minorite perfection and poverty is identical with the supreme evangelical perfection and poverty practised by our Lord and His Apostles (this last proposition was the *causa proxima* of the theoretical controversy under Pope John XXII). Not only St. Thomas but also other Dominicans declared themselves against this theory of the Minorites.[2] Perhaps

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[1] Concerning Olivi cf. Ehrle, *Petrus Ioannis Olivi*, etc.; cf. also René de Nantes, *Les Spirituels*. p. 276 sqq.; also Balthasar, l. c., 155 sqq.

[2] Little, *Grey Friars*, pp. 320-335, publishes a document from the old Minorite convent in Oxford in which we learn something of the controversy between the Minorites and the Dominicans of Oxford in the year 1269. The Dominicans had attacked the Minorites on account of their absolute poverty, and had accused them of having inherited land

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the contention concerning the question of poverty between the two Orders would have already at that time reached its climax, if the decretal *Exiit* had not been promulgated.

The strife with the professors of the University caused Pope Nicholas III, who had always been a close friend of the Minorites, to explain certain things concerning the rule of St. Francis. This was accomplished by the decretal *Exiit qui seminat* (Aug. 14, 1279).[1]

A short explanation of this decretal is here necessary because the Minorites based their point of view on this decretal in their conflict with Pope John XXII during the controversy about the poverty of Christ.

In the introduction of the decretal the Pope gives a twofold reason for the promulgation of the document: first of all, he wishes to put an end to the attacks of the enemies of the Order, who had represented the rule of St. Francis as impossible to be carried out, and even as something unlawful; then he wishes to remove all doubts which the declarations of former Popes had not yet solved. This decretal should definitely end the contention with the professors of the University of Paris. But at the same time it should also be for the Minorites a return to a stricter observance of poverty. Nevertheless, the decretal is not designed according to the teaching of the Spirituals, as some would have it, but

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in spite of their so-called absolute poverty. The Minorites defended themselves saying that they could not possess anything as a real and true possession. The document shows us how energetically they contended concerning this question.

Tocco, *La Quistione* (pp. 272-279), publishes a polemical writing of John Pecham against Richard Kilwardby, O. Pr., Archbishop of Canterbury. Little, *AFH*, XIX, p. 853, places the probable date of this writing as 1272. It is a polemic against an earlier writing of Kilwardby and shows us how these two already at an early period engaged in controversy.

[1] *BF*, III, 404 sqq. More exact text in Friedberg, *Corpus iuris can.*, II Pars, 1112 sqq.

according to the teaching of St. Bonaventure, who always represented a more moderate observance which had been established in an absolutely lawful manner by virtue of "necessary" Papal indults.[1]

Among other things the decretal treats in detail of the non-possession in common of the Order. On this point we find the decretal following St. Bonaventure's teaching step by step. The non-possession of the Order corresponds to the teaching and example of Christ. Furthermore, the decretal distinguishes between the right of ownership (proprietary right), actual possession, right of usufruct and simple use. Only the simple use of earthly goods is allowed the Minorites. All proprietary rights are forbidden the Friars. Movable goods that have been donated to the brothers, in so far as the Order may use them, are the property of the Holy Roman Church, if the donors have not reserved this right to themselves. In like manner also the buildings (churches, convents etc.) used by the brothers are the property of the Holy See if the donor does not determine otherwise at the time of donation.

At the end the opponents of the Order are threatened with excommunication, should they propound anything against the Order or this Papal constitution. Even the doctors and lecturers fall under this excommunication in case they should explain or interpret this constitution otherwise than grammatically or verbally. This decretal was a triumph for the Order over its opponents. The non-possession of the Order in common was confirmed by the Pope, and the norm of living of its members praised as identical with the norm of living of Christ and the Apostles. But one must concede that the Minorites overestimated the importance of this decretal. They thought that it was absolutely a dogmatical

[1] Cf. Maggiani, *De relatione Scriptorum quorumdam S. Bonaventurae ad Bullam "Exiit" Nicolai III* (1279), in *AFH*, V (1912), pp. 3-21.

declaration on the question of poverty, and for this reason *Exiit* remained a bulwark for the Minorites during their later contention with Pope John XXII. In reality the decretal was nothing more than a commendatory declaration of the rule of St. Francis. This overestimation by the Minorites permitted them to adopt the opinion that the question concerning poverty was absolutely and definitely determined. [1]

That the decretal indirectly concerns the Dominicans, we may see from the letter of the Master General of the Dominicans John of Vercelli to the entire Dominican Order in 1279, which ends with the significant words: "Since, as it is evident from the aforesaid, it does not behove the brothers entrusted to our charge, to contend with the Minorites concerning their rule (of the Minorites), or to accuse them of possessing anything in common or individually, or to say that not to possess anything does not belong to the state of perfection, or that the same brothers either through themselves or through intermediate persons accept money, so I counsel and wish, etc..." [2] The Dominicans are warned not

[1] That the question of poverty was not absolutely and finally determined by the decretal *Exiit*, one may observe from the words of the decretal itself. All future doubts concerning the question should be presented to the Holy See and be decided by the Pope: "... districte praecipimus, ne contra praemissa per nos statuta, ordinata, concessa, disposita, decreta, declarata, suppleta, approbata et etiam confirmata dogmatizent... seu prava loquantur publice vel occulte... Sed si quid penes aliquem in his ambiguitatis emiserit, ad culmen praedictae sedis apostolicae deducatur ut ex auctoritate apostolica sua in hoc manifestetur intentio cui solum est is his statuta concedere et edita declarare." Friedberg, l. c., II, 1121.

[2] "Cum igitur periculosum sit fratribus nostro regimini commissis, ut ex praemissis apparet, contendere cum Minoribus de regula et statu eorum seu dicere quod habeant aliquid in communi vel in speciali etc. ... dumtaxat excepto aut dicere, quod nihil habere non sit de statu perfectionis, aut quod pecuniam recipiant per se vel per interpositas personas,

to quarrel with the Minorites because it is dangerous to do so after the promulgation of the decretal *Exiit*. Naturally it was dangerous to contradict the authority of the decretal because one could easily fall under the above-mentioned excommunication. It became ever more difficult for the Dominicans to note how the Minorites were still theoretically so distant from them and yet in the practice of poverty were in many respects on the same level with them. The above-mentioned words of the Dominican General show us clearly and distinctly the then existing conception and practice of the Dominican Order in affairs regarding poverty. Possession in common and the laying-by of money for future purposes were already common uses. Also the opinion that poverty which absolutely excludes all possession does not necessarily belong to the state of perfection was defended and advocated not only by St. Thomas but also by other theologians of the Order. [1] The antagonistic theoretical principles between the two Orders become ever more evident. For the present, however, the Minorites had nothing to fear from their opponents outside of the Order, but rather from the Spirituals within the Order, who again contended with the Community of the Order. It was the contention about the so-called *usus pauper*.

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consulo et volo, ut transcriptum presentium conventibus vestrae provinciae celerius transmittatis." Reichert, *Litterae Encycl.*, p. 114: cf. also Lambermond, l. c., p. 82, n. 2.

In the same letter (p. 116) the Dominican General speaks very distinctly about the pain of excommunication in *Exiit:* "Cum ergo per ea, quae in praedicta littera (i. e. *Exiit*) continentur... quod intentio est summi pontificis... cum de facile possetis excommunicationis sententia innodari," etc.

This letter was sent to the entire Order from Rome in December 1279. Reichert's copy is taken from the letter sent to the Province of Provence, Marseilles, January 1280.

[1] Cf. Lambermond, l. c., p. 82.

The decretal *Exiit* had by no means harmonized the ideas of the Community and the Spirituals. The divergence between the two factions was not in the theoretical field concerning the poverty of Christ, or concerning the non-possession in common by the Order, or absolute poverty as the supreme perfection, but rather in the practical field, in the interpretation and application of the theory. This became clearer as the Spirituals under the leadership of Olivi asserted that the vow of evangelical poverty besides the renunciation of all earthly goods, included also restriction in the use of such goods, or as it was termed, the *usus pauper*. The Community of the Order contested this and an intense contention followed, which lasted for a long time. This contention reached its climax in the *magna disceptatio* (1309-1312), when the question was brought before the Roman Curia. Pope Clement V wished to end the quarrel and promulgated the decretal *Exivi de Paradiso* (May 6, 1312).[1]

This constitution frustrated the attempt of the Spirituals to separate themselves from the Order; they were commanded to return under the obedience of the superiors of the Order. On the other hand, however, certain disciplinary reforms were realized in the Order. One may readily observe in this constitution some points of the teachings of the Spirituals in regard to the *usus pauper*. Pope Clement, in his endeavor to bring the Order to a stricter observance, bases himself on the decretal *Exiit*. *Exiit* is praised and confirmed by Clement, and with this approbation Clement confirmed the Minorite non-possession in common and also the absolute poverty of the Order as contained in *Exiit*. This decretal afterwards became the second support of the Minorites in their opposition to John XXII.

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[1] *BF*, V, n. 195. It is disputed whether this Constitution was approved of by the Council of Vienne or not; cf. Hefele, *Konziliengeschichte*, VI, p. 546 sqq.

Pope Clement V died on April 20, 1314, and with his successor John XXII begins the period in which the question concerning poverty reached its climax.

Pope John XXII was elected August 7, 1316. During the period of the *sedis vacantia* many events had taken place. The Spirituals of Provence had violently ejected the brothers of the Community from the convents of Narbonne and Béziers and into these two convents withdrawn themselves from the authority of the superiors of the Order.[1] With the decretal *Sancta Romana* (Dec. 30, 1317)[2] the society of the Spirituals in Italy under Angelus of Clareno[3] was deprived of all right of lawful existence, and consequently dissolved. With the decretal *Quorundam exigit* (Oct. 7, 1318) the revolt of the Spirituals in Provence was decidedly defeated and the society disbanded.[4]

The Pope had, therefore, in the year 1318, accomplished his object, the extermination of the Spirituals. He was from the very beginning on the side of the Community and the Community had triumphed in its struggle against the Spirituals. But precisely this triumph of the Community over the Spirituals brought the ever increasing contention about the poverty of Christ to a head. For, although the Community held to a milder practice of poverty, it still claimed its preeminence over the other Orders on account of its juridical construction of absolute non-possession in common. The other Orders, expecially the Dominicans, resented this preeminence by reason of theoretical non-possession, and sought the first opportunity to put an end to it.

Neither did this formal presumption of the Minorite absolute poverty please John XXII. He saw that this jurid-

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[1] We shall see this period more in detail in the following chapter.

[2] *BF*, V, n. 297.

[3] Concerning Angelus of Clareno cf. Oliger's introduction to *Expositio Regulae*, XXVII sqq.

[4] *BF*, V, n. 289.

ical construction had been possible only by reason of the good will of the Popes up to this time. By virtue of the above-mentioned Papal privileges the Holy See was juridically the legitimate proprietor of all the earthly goods of the Minorites. In the individual provinces of the Order the superiors were permitted to appoint procurators who in the name of the Church were to take in hand all affairs of the Friars that required legal attention before the law of the land. This had ever more occasioned the discontent of the other Mendicants, and the Pope now wished that the Minorites should conform themselves to the usage of the other Orders in regard to possession in common. He, therefore, proposed to the Minorites that they change their constitutions on this point. This took place probably on the occasion of the General Chapter at Marseilles on Pentecost, 1319.[1] But the Minorites declined such a proposal; they saw in this non-possession in common of the Order not only a characteristic that distinguished them from the other Orders and gave them their preeminence of honor and perfection over the others, but precisely the very essence of the *altissima paupertas* of St. Francis. The Pope's intention seemed to the brothers an attack on the ideal of poverty of their patriarch, even on the evangelical ideal of poverty itself. Perhaps the Pope would not have taken any further steps in the face of this opposition, if he, through no fault of his own, had not been occasioned to take a hand in the question

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[1] Michael of Cesena remarks in his circular letter to the Order, Pisa, July 9, 1328 (Baluze-Mansi, l. c., III, 245 sqq.): "Siquidem a IX annis ordinem nostrum et personam meam indesinenter et atrociter persecutus multifarie nos videbatur omnes inducere *ad mutandum statum.*" therefore from 1319 (if Michael reckons correctly). In this year was held the first General Chapter of the Order under Pope John XXII. Concerning the affairs of the Chapter of Marseilles scarcely anything has been handed down to us. Cf. Hofer in *Zeitschr. für schweizerische Kirchengesch.*, XXI (1927), p. 242, n. 1.

concerning the Minorite theory of poverty. He was called upon to give his decision in the theological discussion concerning the poverty of Christ and the Apostles. And when the Pope was thus forced to deal with the matter, this opposition of the Minorites at Marseilles was certainly not to the advantage of the Order.

The discussion about the poverty of Christ and the Apostles, that was brought before the Pope in the year 1321, had developed itself to such an extent that the Pope was forced to interfere. After the promulgation of *Exiit* the theological discussion took on a serious aspect when the Minorites claimed a paragraph of the said decretal as a formal definition of their teaching that Christ and the Apostles had possessed absolutely no proprietary rights in regard to earthly goods. Since the Dominicans in no way denied that Christ and the Apostles were poor in the ordinary sense of the word, the question centered itself solely on the juridical position of Christ and the Apostles to those small, indispensable necessaries of life, which they had, either according to the explicit testimony of Holy Scripture, as the *loculi,* or from self-evident supposition (clothing, provisions, victuals, etc.). That Christ and the Apostles had renounced all proprietary rights, even over these indispensable things, the Dominicans denied most emphatically. According to them it was contrary to Holy Scripture, and therefore heretical, to sustain such an assertion. As Andreas Richi tells us, scandalous and offensive incidents took place.[1] The discussion passed from the colleges and schools of the two Orders to the Inquisition proceedings. The

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[1] *AFH,* III, p. 522. Richi, who was a contemporary author (in the year 1381 he was a very old man), names especially the colleges of Toulouse, Paris, Bologna and Perugia. The editor of Richi's treatise limits this communication to the period after 1321. According to the context the period somewhat after the promulgation of *Exiit* is intended. Cf. Hofer, *Zeitschr. für schweizerische Kirchengesch.,* XXI (1927), p. 243, n. 1.

same phrase that was declared suspicious of heresy by an inquisitor of the Dominican Order was pronounced as already long defined dogma by a Minorite inquisitor. A glance into the *Practica Officii Inquisitionis* of Bernard Gui, inquisitor of the Dominican Order, will convince us of this assertion. For in this work certain statements of the Beguines concerning the poverty of Christ are declared by Bernard as "erroneous, schismatic, and false;" and, nevertheless, these statements correspond exactly with the teaching of the Minorites.[1] The part of the *Practica* containing these statements (Part IV), which was completed by Bernard in 1323 or the beginning of 1324, is principally a compilation of the sentences handed down by him during the time he was inquisitor at Toulouse (1307-1324).[2] The Pope was forced to intervene as the Dominican inquisitor at Narbonne came into conflict with a theologian of the Minorite Order in the year 1321.

In the year 1321[3] the Dominican inquisitor at Nar-

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[1] *Manuel* (edit. Mollat), I, p. 118: "In primis itaque dicunt et asserunt illi qui a vulgo Beguini nominantur... se credere et tenere quod Dominus Iesus Christus, inquantum fuerit homo, et eius apostoli nichil habuerunt in proprio nec etiam in communi... Item, hanc dicunt esse perfectam evangelicam paupertatem, videlicet nihil habere in proprio nec in communi. Item dicunt quod habere aliquid in communi diminuit de perfectione evangelicae paupertatis." Cf. also l. c., p. 156.

[2] L. c., pp. V-XVIII.

For the following cf. *BF*, V, p. 224 sqq. in the notes; also W ad annum 1321 sq., and the *Chronica fratris Nicolai* in Baluze-Mansi, III, p. 205 sqq. This chronicle (more correctly called a "collection of public documents") is a Spiritual source from the fourteenth century. Baluze-Mansi called it *Chronicon de gestis contra Fraticellos, auctore Ioanne Minorita*. However, Baluze-Mansi's edition is taken from Codex Vat. 7316, a copy of an unfinished manuscript of the chronicle. Better manuscripts call the author of this chronicle "Nicolaus" (*Chronicon Fratris Nicolai*). Cf. Müller, *Der Kampf*, I, p. 354 sqq., and in *Zeitschr. für Kirchengesch.*, VI (1884), 63 sq.; Ehrle, in *Hist. Jahrb.*, XIX, 375 sqq.; Oliger, in *AFH*, III-IV, passim, especially IV, p. 20, n. 2; Heyesse, in *AFH*, IX, (1916), p. 134 sqq.

bonne,[1] John of Belna, had arrested a Beghard who asserted that Christ and His Apostles had possessed absolutely nothing with proprietary rights in common or individually. John considered this assertion as contrary the Holy Scripture and therefore heretical. Not wishing to decide the question alone, he called the learned theologians of the city into conference. Among these theologians was Berengarius Taloni, a lecturer in the Minorite Studium of Narbonne. Berengarius denied this assertion of the Beghard to be heretical; on the contrary, he declared it to be sound Catholic dogma, and defined as such by Pope Nicholas III in the constitution *Exiit qui seminat.*[2] The Dominican inquisitor became enraged at this answer and accused Berengarius of heresy. Berengarius in turn appealed to the Pope.

The controversy about the poverty of Christ and the Apostles was at last laid before the Pope, and thus was to be definitely decided.

The Pope, however, was already informed about the affair at Narbonne before Berengarius arrived in Avignon, where the Pope then had his residence. That was naturally to be

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[1] Olivi had passed his last days in the convent of Narbonne and there died on March 14, 1298. He was venerated as a saint by the Spirituals and the people of Narbonne, and this veneration assumed a very demonstrative character as the Spirituals expelled the brethren of the Community from the convent in 1315, and Narbonne became the center of the Spirituals in Provence. Even after the dissolution of the Spirituals (1317-18), their teachings remained, nevertheless, with many, and thus it is easy to understand, how precisely at Narbonne the inquisitor asked such questions from the Beguines accused of heresy.

[2] Nicholas had in fact defined: " Dicimus, quod abdicatio proprietatis huiusmodi omnium rerum non tam in speciali, quam etiam in communi propter Deum meritoria est et sancta, quam et Christus viam perfectionis ostendens, verbo docuit et exemplo firmavit, quamque primi fundatores militantis Ecclesiae, prout ab ipso fonte hauserant, volentes perfecte vivere, per doctrinae et vitae exempla in eos derivarunt. " . Friedberg, l. c., II, 1112.

expected since the Papal inquisitor in such a case was obliged to communicate the affair to the Pope. One could surmise what John XXII would think of the affair. Had he not shortly before proposed to the Minorites to change their constitutions in regard to non-possession in common? The Pope was now resolved to remove this provoking contention between the two Orders from the face of the earth by a dogmatical declaration. Berengarius was forbidden to depart from Avignon without the expressed permission of the Pope. The contention was vigorously carried on by the confrères of Berengarius on one side and those of John of Belna on the other. They had always bickered with one another on this subject, but now it was a question of who would be acknowledged right by the Pope.

On March 6, 1322, both parties came to words before the Pope and the cardinals in consistory.[1] According to Eubel[2] the principal representatives of the Minorites were Henry, Bishop of Lucca, Jerome, Bishop of Caffa, Arnald, Bishop of Salerno, and Cardinal Vitalis de Furno, all members of the Order.[3] The Pope himself requested all present to explain their opinion candidly, and the Minorites were permitted to speak in peace. Only when some of the Minorites appealed to the alleged dogmatical definition of Pope Nicolas III (*Exiit*), and so branded the whole present discussion as out of place, even as heretical, did the easily irritable Pope become fiery

[1] W (ad annum 1323, n. 1 sqq.) places this consistory in the year 1323, but it is now commonly accepted that it was held March 6, 1322. Not only is the testimony of other documents in favor of this date but also the fact that Pope John XXII in his decretal *Quia nonnunquam* (March 26, 1322) speaks of a consistory having been held shortly before the decretal: "Prohibitiones et poenas... in fratrum nostrorum et multorum professorum utriusque iuris et multorum sacrae theologiae magistrorum praesentia, dum consistorium teneremus" (*BF.* V, p. 225).

[2] *BF.* V, p. 224, in the notes.

[3] These personages were also among the authors of the treatises, about which we shall speak in the course of chapter IV.

and speak severely against the Minorites. We read in the Chronicle of the Question "that the Pope was extremely angry with Arnald and Cardinal Vitalis de Furno and rebuked them severely, because they declared the opponents of their opinion to be heretics.[1] This chronicle was written by a member of the Fraticelli, a society of heretics strenuously opposed to Pope John XXII, and on this account will most probably contain many exaggerations; we may safely say that, even if events in the Chronicle are not so objectively exact, the consistory turned out to be very turbulent. Vitalis and Arnald had certainly said and done more than befitted the occasion. At the end of the consistory the Pope was openly on the side of the Dominicans. The conflict between the Minorites and the Dominicans became a conflict between the Pope and the Minorites. The Pope commissioned all the prelates and masters of theology, who resided at the Curia, to send him their written opinion on the disputed question. This shows us clearly that the Pope was determined to decide the question once and for all time. But it was no small matter because the constitutions *Exiit* and *Exivi de Paradiso* supported the Minorites.

That the Pope really still sought to acquaint himself with various opinions on the question, is evident from the explanation of Ubertinus of Casale, which was read before the Pope soon after the above-mentioned consistory of March 6. It is not astonishing that the Pope wished to hear Ubertinus' opinion on the matter, since the latter was well-versed in the question concerning poverty.

The speech, which Ubertinus held before the Pope in consistory in the latter part of March, 1322, was supposed to be

[1] *Chronica della Questione insorta nella corte di Papa Giovanni XXII a Vigone, circa la povertà di Cristo,* edited by Zambrine in *Scelta di curiosità letterarie*, fasc. XL, Bologna, 1864. — The text about which we are here speaking is found in Carlini, *Fra Michelino*, pp. 81-82.

an endeavor to reach a compromise between the Minorites and the Dominicans; but Ubertinus was unsuccessful. [1] This speech, remained futile because its author professed the teaching of Olivi concerning poverty, and did not strive to effect a reconciliation between the Minorites and the Dominicans. For this reason the assertion of Baluze [2] and of Wadding, [3] that after this speech all were contented, and that the

[1] Ubertinus of Casale, a very learned but equally passionate Spiritual, who became the leader of the Spirituals in Provence after the death of Olivi, had already played an important role in the conflict between the Spirituals and the Community, and had written much. When John XXII suppressed the Spirituals in Provence, Ubertinus obtained permission (in Oct. 1317) to enter the Benedictine Order. Nevertheless, we find him again in Avignon in the year 1322. This speech of Ubertinus may be found in Baluze-Mansi, l. c., III, 279-80, and Baluze thinks it was held in the year 1330. At the end of the document we find the words: " Et hoc dixit anno millesimo cccxxx. " This, however, is an error of the copyist; for we find in the beginning of the same document, " Et hoc anno Dom. millesimo cccxxii in quadragesima Dominica de Passione, etc. " Andreas Richi says, " anno Domini 1322, die Veneris ante Dom. de Passione " (*AFH*, III, p. 274). Oliger (l. c., n. 6) thinks it possible that Ubertinus spoke twice before the Pope in consistory on the question of poverty: once in the year 1322 and again in the year 1330. This, however, seems very improbable. First of all, a discussion before the Pope on the question of poverty after the Chapter of Paris, in which harmony was established between the Pope and the Order, would have been useless. Furthermore, we know that Ubertinus was accused of heresy and excommunicated in the year 1325: he had already fled to Germany before the end of the proceedings, and betook himself to Louis the Bavarian. He was a participant in the gathering against Pope John XXII held in Rome on April 18, 1328; he died probably shortly afterward. If he had held a speech before the Pope in the year 1330, we should have had to hear something of his previous reconciliation with the Church.

W ad an. 1321, n. 18, places this speech in the year 1321, but without any reason whatsoever.

Concerning this question cf. Callaey, *L'Idéalisme franciscain*, p. 207 sq.; also Tocco, *La Quistione*, p. 276 sq.

[2] L. c., p. 280.

[3] W ad an. 1321, n. 19.

Pope did not wish to hear anything more about the question of poverty, is certainly incorrect. The Pope was not satisfied with this explanation of Ubertinus, and less contented still were the Dominicans, because their opinion had not been in the least represented.

Since the Pope after the consistory of March 6, had ordered all the prelates and masters of theology then residing at Avignon to send him their opinion in writing on the question of the poverty of Christ and the Apostles, there still remained a difficulty. Nicholas III in the decretal *Exiit* had forbidden under pain of excommunication that any one should write a commentary of the rule of St. Francis or of the decretal *Exiit* except a literary or grammatical commentary of the text. How was one to discuss the present question without touching the aforesaid rule and decretal? Pope John XXII removed this obstacle by revoking the pain of excommunication of *Exiit* by the constitution *Quia nonnunquam* (March 26, 1322), and now those delegated could write without danger of falling under the ban of excommunication. [1]

The decretal *Quia nonnunquam* is the first Papal writing in the theoretical controversy about the poverty of Christ; in the controversy that caused the Minorite Order so much harm, and even brought the Order into conflict with the Pope.

So our first chapter is concluded with the Papal document that officially opened the controversy concerning the poverty of Christ and the Apostles, and at the same time left the Minorite Order in anxiety for the future.

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[1] *BF*, V, n. 464.

CHAPTER II.

Cardinal Bertrand de Turre, Ord. Min. [1]

Bertrand de Turre was born in Camboulit, a village of the district of Quercy in southern France. [2] Even at the present time may be seen in Camboulit the ruins of a castle, which belonged to Bertrand's family. Bertrand's family was related to the family of the feudal lords of Sonac and Goudon. For in the year 1328 Bertrand bestowed a benefice on a certain François de Sonac, who was his nephew, and a certain William of Goudon was administrator of the Diocese of Salerno while Bertrand was titular archbishop of the same place. [3]

Unfortunately we know very little with certainty about Bertrand's early life. The exact year of his birth is not to be found in any of the sources, but we may well affirm with

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[1] There is some discrepancy in the writing of Bertrand's name. In the vernacular he was accustomed to be termed Bertrand de la Tour. Since this terminology causes confusion at times, most modern authors choose to call him in the vernacular Bertrand de Turre.

[2] Camboulit is a village situated on a hill about 12 miles from Figeac, and about 38 miles from Cahors. From all those who have written about Bertrand, we learn that he was from Camboulit. This testimony comes originally from Bernard Gui in his life of Pope John XXII: "Hic quoque... fratrem Bertrandum de Turre de Cambolico, Caturcensis dioecesis, de ordine Fratrum Minorum, magistrum in theologia, archiepiscopus Salernitanus..." Baluzius, *Vitae Paparum*, I, 141. Bernard, who came from Limousin, had known Bertrand very well, as we shall presently see, and his account about Bertrand is, therefore, absolutely reliable.

[3] Cf. Albe, *Autour de Jean XXII. Les familles de Quercy*, t. II (Rome, 1902), p. 71.

Oliger that it is to be found between 1265 and 1270.[1] For we must conclude from established facts of his later life that Bertrand was not born later than 1270, at least not much later. According to his own testimony at a later period in life, he entered the Minorite Order at an early age, and most probably in the convent of Figeac, because this was the nearest convent of the Order to Camboulit (such was the custom at that time).[2] According to Petrus Rodulphius[3] Bertrand had Bernard de Bessa as *magister in moribus* (that is, prefect of discipline); this would have been easily possible since Bernard resided in Aquitaine about the year 1284.[4] We know nothing for certain about Bertrand's student-days, but he probably studied first in his native province, and then later went to Paris to take the degrees. For Bertrand was certainly a master of theology, which title he undoubtedly received from the University of Paris.[5] Albe asserts, but without bringing forward any reason, that Bertrand studied at the University of Toulouse, and then received the Master's Title from the University of Paris.[6] This assertion, even though not proven, might nevertheless be true. For we know that the University of Toulouse at that time could not confer degrees in theology, and only received this privilege from Pope Innocent VI in the year 1360.[7] Therefore Bertrand would

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[1] *AFH.* XVI (1923), p. 327: " Is natus est intra annos 1265-70, ut coniicitur. "

[2] " Cui Ordini in nostra adolescentia professionem fecimus. " In Bertrand's principal writing edited by Pitra, *Analecta*, II, p. 476; cf. also Langlois, *Hist. litt.*, XXXVI, p. 191, n. 2.

[3] *Historia seraphicae rel.*, fol. 311.

[4] Cf. Sbaralea, Suppl., I, 144.

[5] Cf. p. 26, n. 2. The text of Bernard Gui; cf. also *Chron. XXIV Min. Gen.* in *AF*, III, p. 461: " Cui in ministerio Provinciae Aquitaniae successit... pater frater Bertrandus de Turre, sacrae theologiae magister. "

[6] L. c., p. 73; cf. Langlois, *Hist. litt.*, XXXVI, p. 191, n. 1.

[7] Cf. Goyau in *Cath. Encycl.*, XIV, p. 197.

have followed the custom of the students of that time at the University of Toulouse, who wished to obtain the degrees: namely, they studied for a period at the University of Toulouse and then betook themselves to Paris, and after attending the required lectures there and having passed the customary examination and lectured according to custom, received their title of " Master of Theology. " However this remains mere supposition or conjecture. [1]

In the year 1314 we find in the records of the University of Toulouse a Bertrand de Turre (de la Tour) as rector of the University and this Bertrand was probably also a doctor of law, because at that time he explained the new constitutions of the University. Albe [2] and recently Oliger [3] identify this Bertrand with our Bertrand de Turre. But this is incorrect. For the Bertrand de Turre, who in the year 1314, as rector of the University of Toulouse, edited and explained the new constitutions, is the Prior of Rabastens (de Rapistagno) of the Order of the Monks of Cluny. This same Bertrand had been named bachelor of law (*baccalaureus decretorum*) by the University of Toulouse on March 12, 1311. Hauréau, in an article written some years ago, warns us to beware of confounding this Bertrand with the Minorite Bertrand de Turre. [4]

Bertrand's learning was put to use by his Order, as we can observe from his position as regent of the Minorite College (*Studium generalem*) in Toulouse. Nicholas Bertrandus says

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[1] Langlois, l. c., p. 191, n. 4. — But even supposing that Bertrand studied for awhile in the University of Toulouse, it would be very probable that he studied in the *studium generale* of the Minorites at Toulouse. For the *studium generale* in Toulouse, as also that of the Order in Bologna, was as that time incorporated as a part of the theological faculty of the University. Cf. Teetaert in *Études Franciscaines*, XL (1928), p. 131.

[2] L. c., p. 73.

[3] *AFH*, XVI (1923), p. 327.

[4] *Hist. litt.*, XXVIII (1881), pp. 476-481; cf. also Langlois, l. c., p. 191.

concerning him: *Primo regens in conventu Tolosano.*[1] That means that Bertrand already at an early age was occupied in teaching. Already during these first years he had probably begun his literary activity, on account of which he was afterwards called the *Doctor famosus.*[2]

[1] *De Gestis Tolosanorum,* p. 52; cf. Langlois, l. c., p. 191, n. 4.

[2] This title *Doctor famosus*, which is found in the list of honorary scholastic titles published by Ehrle (pp. 37, 41, 47, 54), was bestowed on Bertrand by authors of a later date. When we seek the reason of this title, we encounter a difficulty. It is not probable that this title was given to Bertrand on account of the Commentary ascribed to him. Wadding (*Scriptores,* p. 45), remarks that Bertrand wrote a *Commentarium in quatuor libros sententiarum,* but does not mention any existing manuscript of the commentary. Sbaralea (*Suppl.*, I, p. 145) says that the English Carmelite John Bacon (Baconthorpe, † 1346) in his commentary *in quatuor libros sententiarum* quotes *Bertrandum et Scotum.* However, Bertrand of Bayonne wrote a commentary *in quatuor libros sententiarum* (cf. Denifle-Chatelain, *Chartularium,* I, p. 415). Perhaps John Bacon has reference to Bertrand of Bayonne and not to Bertrand de Turre. The silence of all authors concerning the commentary and the fact that we have no existing manuscript of the same shows us that Bertrand, in any case, could not have become renowned by reason of the Commentary.

That Bertrand was given this title by reason of the numerous sermons accredited to him, is more probable; his sermons are found in the principal libraries of Europe. They could have easily made him famous. The remark of Hauréau in the *Journal des Savants* (1888), pp. 611-618, that these sermons contain nothing of special importance, nothing original, does not exclude our opinion. For these honorary scholastic titles, which were introduced by later writers and often by mere copyists of manuscripts, "do not appear in their choice and distribution to demonstrate especial acuteness of the individual type nor excellent taste in their philological character" (Ehrle, *Ehrentitel.* pp. 30-31). Since the general title *Doctor famosus* permits an explanation from various points of view, one would perhaps wish to assert that Bertrand acquired this title for the reason that he was doctor and at the same time famous as diplomat or famous in the controversy concerning the poverty of Christ. However, this opinion appears improbable when we bear in mind that other writers just as famous as he, for instance, Bernard Gui as diplomat and Vitalis de Furno in the controversy about poverty, are not called *famous.* It is also com-

His appointment in the year 1312 as Minister Provincial of his native Province of Aquitaine shows us how he was esteemed in his Order.[1] As Provincial, Bertrand shows us clearly his attitude toward the Spirituals.

Oliger publishes a judicial process of Bertrand in the year 1315 against five Spirituals of the Province of Aquitaine, who had fled from their province to the rebellious Spirituals of Narbonne and Béziers in Provence.[2] Oliger's copy is the first publication of this process, although it has often been mentioned and alluded to. It would certainly be beyond the scope of the present work to write and criticize the history of the Spirituals; this history has already been sufficiently treated, and the same facts have often been judged and criticized from various (and often conflicting) points of view. But we must understand Bertrand's activity in this affair. Bertrand's opinion in the question about poverty is that of the very conservative part of the Community of the Order. Certain facts, however, must be brought to mind in order to judge Bertrand's activity correctly.

The *Magna disceptatio* before the Roman Curia between the Spirituals and the Community of the Order (1309-1312) is well known. The Spirituals were determined to separate themselves from the Community because, as they said, there existed in the Community nothing but laxity and contempt for the rule of St. Francis. They wished, as they said, to observe the

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monly accepted that these honorary titles pertain in some manner to the literary activity of the men to whom they are attributed.

However, it is not an important question since the title, as an honorary title introduced at a later period, does not explain anything definite about Bertrand's literary activity.

[1] According to the *Provinciale Ordinis Fratrum Minorum vetustissimum*, in *BF*, V, p. 589 sqq., the Province of Aquitaine numbered ten custodies and sixty-three convents in the fourteenth century.

[2] *AFH*, XVI (1923), p. 323 sqq.

rule of St. Francis without modification and commentary (*sine glossa*). No one will deny the sincerity of the subjective opinions of the Spirituals, but they certainly went too far in setting themselves against the privileges and Papal declarations that were more and more necessary for the ever increasing Order. That was the reason why the Community proceeded so severely, and sometimes even mercilessly, against the Spirituals. True it is that a laxer part of the Community of the Order was always against the Spirituals for the reason that there was a question of abolishing certain moderations which satisfied these lax members, but fortunately that small part of the Community did not constitute the true representatives of the Community, either in their ideas or their number. Pope Clement V sought to avoid a separation within the Order with the constitution *Exivi de Paradiso* (May 6, 1312), but this did not suffice. On July 23, of the same year he ordered the Minister Provincial and certain superiors of the Province of Provence, about whom the Spirituals had complained, to appear before him in Avignon. [1]

Shortly afterward he deposed these superiors and ordered new superiors to be appointed, who would be more favorably disposed toward the Spirituals. The Pope hoped thus to re-establish harmony between the Spirituals and the Community, and toward the middle of the next year (1313) he ordered the leaders of the Spirituals, who were still in Avignon, to return under the obedience of their legitimate superiors, and to live in peace and harmony with the brothers of the Community.

With the election of the new Minister General, Alexander of Alexandria, at the Chapter of Barcelona on Pentecost (June 3, 1313), the Order experienced a more peaceful period. Shortly after his election, by advice of the Pope he convened a Provincial Chapter at Nîmes in Provence. Alexander was

[1] *BF*, V, n. 203.

by no means a Spiritual but for the general peace of the Order, he wished to see to it that the Spirituals should in no way have reason to complain of harsh treatment from the superiors of the Order. With this view in mind the General gave the Spirituals of Provence the permission to live together under superiors favorable to them, in the three convents of Narbonne, Béziers, and Carcassone. In reality, however, this was the beginning of the former separation between the Spirituals and the brothers of the Community. But Alexander did not foresee such disastrous effects. Pope Clement died on April 20, 1314, and Alexander on October 5, of the same year. The long *sedis vacantia* of the Papacy and of the Generalate of the Order permitted the Spirituals, as well as the brothers of the Community, to assume a certain liberty in all things, and to renew the former contention, contrary to the regulations of the late Pope. To the Provincial Chapter at Carcassone in 1315, came also the superiors that had been deposed by order of the Pope, although they had been deprived of their active and passive voice in chapter. The Superiors that were favorable to the Spirituals were deposed by the Chapter and others, among whom were several of those previously deposed by the Pope, were appointed in their place. The Spirituals protested and with the help of the citizens of the city they forcibly ejected the brothers of the Community from the convents of Narbonne and Béziers, and there again established themselves under their former superiors, who had been deposed by the Chapter. But they went much further. They no longer formed a part of the Order under the legitimate superiors, but ruled themselves as an independent society. They substituted the recognized habit of the Order for a shorter one and also different in form, and showed by their actions that they had decided upon an absolute separation from the Order. This is the reason why they are always branded as rebellious. We shall not discuss the proceedings of the superiors of the Order against these Spirituals. It is our task here to examine the

canonical proceedings of Bertrand de Turre against five fugitive Spirituals, who were under his jurisdiction.

Five members (Spirituals) of the Province of Aquitaine, without any permission whatsoever, fled from their province and betook themselves to the Spirituals of Narbonne. Bertrand as their legitimate Minister Provincial commanded them to return to their convents, but they refused to obey him. [1] He then sent two brothers of the Province of Aquitaine in person to Narbonne, to canonically summon the fugitives to return. [2] The leaders of the Spirituals in Narbonne, William of St. Amantius, answered in the name of the fugitives that the brothers would remain in Narbonne in order to observe the rule of St. Francis in a right and holy manner, which rule the brothers of the Community by no means observed. At the same time the fugitives from Aquitaine gave the reasons of their flight from Aquitaine in a notatorial writing directed to the Custos of the Custody of Toulouse, to which Narbonne pertained. Thereafter these brothers were declared by the Chapter of Toulouse on February 15, 1315, contumacious and disobedient, and finally declared excommunicated by their Minister Provincial, Bertrand. All brothers of the Order were forbidden under pain of excommunication to have anything to do with the fugitives. This sentence was put into writing and attested

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[1] They were Arnald de Felsinio, William of Fagia, Martin Arnei, John Barrani and the lay brother Bernard Boniti. These five were among the most obstinate of the Spirituals, and when the Pope summoned the Spirituals of Narbonne to Avignon by the Bull *Dudum ad nostri apostolatus* (April 27, 1317), we find among them John Barrani, Bernard Boniti and William of Fagia from Aquitaine. In later documents one finds also mention of Arnald de Felsinio as being summoned with the other Spirituals of Narbonne. Finally when the inquisitor Michael Monachii handed over four heretical Spirituals to the secular authorities on May 7, 1318, we find among them John Barrani. The four obstinate heretics were burned at the stake in Marseilles, on the above-mentioned date.

[2] Namely, the lectors Bernard Fraselli and James de Campis.

by the witnesses Petrus Aurioli,[1] Gerald Odonis,[2] Arnald (Roiardi[3]) and a few laymen, and promulgated under the seal of the Minister Provincial. Naturally the fugitives appealed against this action and strove to show that the contents of the aforesaid writing were calumnious.[4] The canonical proceedings against the Spirituals of Narbonne, as also Bertrand's against the fugitives from his province, were afterwards declared invalid (in 1316) by the Archbishop of Aix, Conservator Apostolicus,[5] after, however, certain cardinals who personally favored the Spirituals, especially Cardinal James Colonna.

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[1] Petrus Aurioli, one of the greatest defenders of the Immaculate Conception of the Blessed Virgin, was born in the vicinity of Goudon in Aquitaine (not in Verberie-sur-Oise in Piccardy nor in Toulouse) about the year 1280. He was a member of the Minorite Province of Aquitaine and was Lector in the *Studium generale* of the Order at Bologna in 1312 and at Toulouse in 1314-1315. In the year 1314 he wrote his famous work *Tractatus de conceptione B. M. V.* and on December 20, of the same year defended his doctrine concerning the Immac. Conception in a marvelous manner at Toulouse in the presence of the Bishop and the members of the University. From 1316 he taught at the University of Paris until he was promoted to the Provincialate of the Province of Aquitaine as successor of Bertrand de Turre towards the end of 1320. On Feb. 22, 1321, he was appointed Archbishop of Aix and died during the month of January 1322, without having been created cardinal as is so often asserted concerning him. — Cf. A. Teetaert in *Etudes francisc.*, XXXIX and XL.

[2] Gerald Odonis (Guiral Ot) was born most probably at Camboulit. In the year 1326 he taught at the Univ. of Paris and was elected Min. General of the Order at the Chapter of Paris 1329, which office he held until 1342 when he was appointed Patriarch of Antioch. He died at Catania 1349. — Cf. Langlois, in *Hist litt.*, XXXVI, 203 sqq.

[3] Arnald Roiardi was the successor of Bertrand de Turre as Archbishop of Salerno (1321). He was a participant in the controversy concerning poverty and died 1334. Cf. Sbaralea, *Suppl.*, I, 103.

[4] This appeal has not yet been found.

[5] The *conservator apostolicus* was appointed by the Holy See to defend the privileges granted to the Mendicants. This office was instituted by Pope Honorius III on March 29, 1220. Cf. René de Nantes, *Les Spirituels*, p. 390, n. 1.

had defended the Spirituals and had written to the said archbishop. It should be noted, however, that the canonical proceedings against the Spirituals of Narbonne and Béziers were not carried on solely by the Order but also by the Provost of Montpellier, Raymond de Agone, who had in this capacity been delegated by the Bishop of Agen and the Archbishop of Aix.

What is to be said of Bertrand's judicial proceedings against his disobedient subjects? Oliger in his commentary of the process is sometimes very severe with Bertrand, and thinks Bertrand was absolutely prejudiced against the Spirituals.[1] This is no place for a polemic, although certain phrases in Oliger's commentary require a better explanation. Much more necessary for us is it to examine Bertrand's standpoint in this conflict with the Spirituals.

Langlois has given us Bertrand's point of view in a few concise words.[2] He says Bertrand was always conservative and orthodox, that is, on the side of authority, against unsound innovations and excessive zeal. This certainly is true. Those five spirituals from the Province of Aquitaine fled from the jurisdiction of their legitimate Minister Provincial without any permission whatsoever, and betook themselves to brothers who had already withdrawn themselves from obedience to their Minister Provincial. Bertrand as canonical superior could not permit this. For this reason he commanded the fugitives to return to their respective convents. They refused to obey him, their legitimate superior. He then summoned

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[1] *AFH*, XVI, p. 323: " Ostendemus vero in Bertrandi processu gravium circumstantium lacunas adesse, quae ei ignotas esse non potuerunt, atque eius sententiam excommunicationis *Partium Studium* manifeste prae se ferre. "

[2] *Hist. litt.*, XXXVI, p. 193: " Il avait toujours été conservateur et orthodoxe, c'est-à-dire gouvernemental et du côté d'autorité, hostile aux innovations et aux excès de zèle. "

them canonically through his personal representatives. Only when they showed themselves absolutely obstinate, did Bertrand take stringent, but still canonical, measures against the fugitives. It is true that Bertrand in his judicial process related certain things about the Spirituals of Narbonne and Béziers, that were exaggerated, but this imprudence is easily explained by the standpoint that he took against these Spirituals. He always insisted on his authoritative and canonical position as legitimate superior.[1] For Bertrand to see how subjects acted in such a manner against legitimate authority, was unbearable. That was also the standpoint of the newly elected Pope John XXII: he was absolutely against the endeavor to bring about a separation within the Order by rejecting the authority of the superiors, and, therefore, took very severe measures to stamp out such a movement of the Spirituals. When one judges Bertrand's action against the Spirituals as too severe and prejudiced, one must at the same time not forget that the expressed obstinacy of his subjects against him, their canonical superior, forced him to be so severe. The fact also that these fugitives betook themselves to the Spirituals of Narbonne, who with the help of the citizens of the city had forcibly and violently ejected the brothers of the Community from the convent of the Order, certainly made Bertrand very irritable. Finally one must not overlook the

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[1] Considered from this standpoint one can easily understand Bertrand's manner of speech in his canonical proceedings against his fugitive subjects (l. c., p. 344) when he says that the Spirituals had completely separated themselves from the Community and the obedience of the Order. He considered the affair only from the standpoint that they no longer remained under the superiors of the Community. Oliger's commentary on this phrase (p. 344, n. 3): "Quod autem additur, quod dicti Fratres ab obedientia et communitate Ordinis totaliter recesserunt, patens est mendax," cannot be accepted. One might accuse Bertrand of a subjective exaggeration of canonical authority, but not at once of telling a lie. There is quite a difference between logical untruth and moral untruth.

fact that the Spirituals of Narbonne clung tenaciously to the teachings of Olivi, which teachings were precisely at that time under suspicion of being heretical. One must keep these facts before one's eyes, if one wishes to criticize Bertrand's proceedings against the Spirituals. In regard to the statement that Bertrand persecuted the Spirituals mercilessly while at the same time Cardinal James Colonna, who was not a Minorite, defended them, one must not overlook some very important facts. [1] Cardinal Colonna considered the Spirituals as the only true followers of St. Francis. He did not see, as also others at the present time, that they in their idealism exceeded all limits of moderation. We know also with absolute certainty that Cardinal Colonna's opinion was not always objectively correct and defensible. Shortly before this time he had taken sides against Pope Boniface VIII, because he considered him as a pseudo-pope, and considered Boniface's election as invalid. For this reason he was in 1296 excommunicated and deprived of his dignity and title of cardinal by Pope Boniface VIII. Only under Pope Clement V was he again reinstated in the cardinalate and absolved from his excommunication. [2] In his opposition to Pope Boniface, against whose validity as Pope the Spirituals also contended, he undoubtedly believed himself to be in the right. But who can concede that he was in the right?

The newly elected Pope, John XXII (Aug. 7, 1316), was determined to put an end to this state of affairs. After he

[1] P. Gratien, O. M. Cap., remarks in *Rev. d'histoire franciscaine*, I (1924), p. 247: "Quel contraste frappant entre le cardinal Bertrand de la Tour et le cardinal Jacques Colonna! Le premier, canoniquement Frère Mineur, poursuit sans pitié les malheureux Spirituels. Le second, sans être franciscain de profession, épouse la cause des Zelanti et risque pour eux son avenir. C'est un caractère profondément sympatique que ce Jacques Colonna."

[2] Cf. Mohler, *Die Kardinäle Jakob und Peter Colonna.* (*Quellen und Forschungen aus dem Gebiet der Geschichte*, Bd. 17) Paderborn, 1914.

had listened to members of the Community and of the Spirituals, who were then residing at the Curia, he delegated three cardinals to write a letter, commanding the Spirituals to return under the obedience of the superiors of the Order. This letter, which is dated April 22, 1317, instructed the Minister General of the Order and the Minister Provincial of Provence to bring the Spirituals under their obedience.[1] Shortly afterward, on April 27, the Pope, through the inquisitors of Narbonne and Béziers, summoned many of the Spirituals of Narbonne to Avignon, whither they came the following month.[2] They fared very badly in their audience with the Pope. Some were thrown into prison, others had to remain with the Minorites in Avignon until further orders. By the decretal *Quorundam exigit* (October 7, 1317) the band of Spirituals in Provence was dissolved.[3] Indeed the exaggerated veneration of Olivi by the Spirituals and the suspicion of Joachinism played an important part in the attitude of the Pope against the Spirituals, but precisely the events in Narbonne had made John XXII more than ever an opponent of the Spirituals. For he saw that the Spirituals had separated themselves from the unity of the Order, and it did not matter to him whether they subjectively meant well or not; their contradiction to the legitimate existing order of things was too evident for the Pope. There is, therefore, no essential difference between the standpoint of the Pope and that of Bertrand de Turre.

[1] W (ad an. 1317, n. 1), says that the Pope delegated Bertrand de Turre to bring the Spirituals of Narbonne under the obedience of the Order. This is incorrect since Bertrand was at that very time in Italy with Bernard Gui, as we shall see at once in the sequel. In like manner the editor of *Glassberger's Chronicle*, in *AF*, II, 124, errs when he remarks that Bertrand was delegated by the Pope for this commission.

[2] *BF*, V, n. 266, 267.

[3] *BF*, V, n. 289.

Bertrand as Minister Provincial of Aquitaine was present at the General Chapter of the Order held in Naples in 1316, and when the capitulares shortly afterward came to Assisi to revise the constitutions of the Order, it appears that Bertrand had more than an ordinary part in the proceedings.[1] The newly elected Minister General, Michael of Cesena[2] commissioned Bertrand to write a letter to Sancia, Queen of Sicily.[3] This commission, to write in the name of the Chapter, is perhaps a proof that he was more than a simple participant in the assembly.

Under Pope John XXII Bertrand began his public activity in ecclesiastical-diplomatic circles. With a letter of Jan. 24,

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[1] These *Constitutiones Assisienses* have been published by Carlini, *AFH*, IV (1911).

[2] Michael of Cesena came from the family Foschi in Ficchio, a small village near Cesena. Towards the end of the thirteenth century he entered the Order, and was professor in Paris when he was elected to the Generalate of the Order in 1316. Even as General he still retained his professorship for some time (Cf. Denifle-Chatelain, *Chartul.*, II, p. 217). Concerning him cf. Carlini, *Fra Michelino;* also the criticism of Carlini's book in *AFH*, VI (1913), 767 sqq. — As the present work goes to press, some more important matter concerning Michael of Cesena has appeared: Michael Bihl, O. F. M. Un. Leon., *Formulae et Documenta e cancellaria Fr. Michaelis de Cesena, O. F. M. Ministri generalis 1316-1328*, in *AFH*, XXIII (1930), 106-171.

[3] Sancia, the second wife of King Robert of Naples, was ever very friendly towards the Minorites. Robert and she had provided for the sustenance of the participants in the Chapter of Naples. The four letters of Sancia to the Minorites are contained in the *Chron. XXIV Min. Generalium* (*AF*, III, 508 sqq.). The editor of the chronicle dates the fourth letter as April 18, 1331. The correct date, however, is July 25, 1332. Cf. Hofer in *Zeitschr. für schweizerische Kirchengesch.*, XXI (1927), p. 248, n. 2. After the death of King Robert (January 1343) Sancia entered the Order of Poor Clares, and lived according to their rule until her death on July 28, 1345. Cf. Sbaralea, *Suppl.*, I, pp. 208, 209, and Heuckelum, *Spiritualistische Strömungen an d. Höfen v. Aragon und Anjou während der Höhe des Armutsstreites* (Berlin, 1912), p. 44 sqq.

1317[1] the Pope sent Bertrand and Bernard Gui, O. Pr.,[2] to Lombardy in order to restore peace between the contending factions of that region. On March 1st of the same year this mission was extended to Liguria and Tuscany.[3]

In order to understand the difficult task of the two legates, let us briefly call to mind the conditions at that time in northern Italy.

The old struggle between the Guelphs and the Ghibellines had become very acute. The discordant election of the King of Germany had added to this feud between the two parties.[4] Both Louis the Bavarian and Frederick of Austria had appointed imperial vicars for Lombardy and Tuscany, and at the same time King Robert of Naples sought to promote his interests in Italy. The long *sedis vacantia* of the Holy See had allowed the interests of the Papacy to decline. Pope John XXII was now determined to put things in order in Italy. It is the beginning of the Pope's policy to take again into his hands the rule and administration of Italy. Thus Bertrand and Bernard were sent not only to restore peace, but at the same time to carry out the plan of John XXII to gain Italy for the Papacy.[5]

Both legates delayed their departure until the spring of 1317. On April 4, we find them with Philip of Savoy in his castle at Vigone. After they had promulgated the armistice enjoined by the Pope at Staffora on April 8, they proceeded to Turin; there they again announced the armistice on

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[1] *BF*, V, n. 243.

[2] Concerning him cf. p. 26 of the present work.

[3] *BF*, V, n. 254.

[4] Cf. Müller, *Der Kampf*, I, pp. 36-48.

[5] Letters from the legates to the Pope were written in the year 1317: at Asti (April 18), at Como (May 23), at Cremona (July 15), at Parma (July 18), and at Bologna (Aug. 20). They are edited by Riezler in *Vat. Akten;* cf. also A. Ratti, *Le condizioni,* etc.

April 12. At Asti they were received in the City Hall by the officials of the city. On the following Sunday they preached a sermon to the people in the square before the cathedral, and read aloud two Papal bulls pertaining to the armistice and the conditions of peace enjoined by the Pope. The farther they travelled into Italy the greater difficulties did they encounter. The ordinances and promulgations in the name of the Pope could not be enforced. The very presence of the legates in a region helped little or nothing to restore peace between the turbulent factions. On May 9, the Guelphs drove the Ghibellines out of the city of Cremona. On June 8, the Ghibellines besieged Brescia. On Aug. 4, the inhabitants of Ferrara ejected the Guelphs from the city and destroyed the Castle of Rostan that belonged to the Guelphs. During their sojourn at Bologna from August 3 to 20, the legates, especially Bernard Gui, had much to endure. But their letters to the Pope show us clearly that they, as representatives of peace in the name of the Pope, did their best to make their mission a success.

The last letter to the Pope, that is known to us, was from Bologna on August 20, 1317. The Pope reproved Bertrand in writing during November 1317 for absolving in cases which were beyond the jurisdiction delegated to him. [1] As they continued their journey through Liguria and Tuscany, they had no greater success than in Northern Italy. For Pope John XXII in the year 1319 again sent a legate, Bertrand du Pouget (de Poietto) to bring about peace. [2] In the bull with which the new legate was appointed, the Pope speaks of the mission of the former legates. He praises their zeal and

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[1] *BF*, V, n. 291.

[2] Bertrand du Pouget (de Poietto), a nephew of Pope John XXII, was created cardinal in 1316. On December 18, 1327, he was promoted to Cardinal-Bishop of Ostia and died in February 1352. — Cf, Eubel, *Hierarchia*, I, p. 15.

endeavor but says that they achieved nothing in as far as peace was concerned.[1]

Nevertheless, the Pope did not hold the legates responsible for the ill success of the mission, nor did he cease to place his confidence in them. He realized that their task was extremely difficult and in view of the unfavorable conditions nothing more was to be accomplished at that time. He showed his confidence in the two legates by again commissioning them during September 1318, as legates to restore peace between the French and the Flemish.[2] The Treaty of Paris had already been ratified by the French and the Count of Flanders, but never observed. The legates were expected to persuade the Count of Flanders, Robert of Béthune, to accept the conditions which the Pope had proposed. In this manner the Treaty of Paris would at once be observed. The affair was difficult because the Flemish sought to hinder the negotiations and thus gain time.

The armistice between the two parties was solemnly promulgated by the Legates at Compiègne on October 11, 1318. We do not know how the affair proceeded, but the Pope was obliged again, on March 20, 1319, to send a legate for the same mission. From this we may surmise that Bertrand and Bernard did not have any more success than in the preceding year in Italy.[3] Only on May 20, 1320, was peace between the two parties definitely brought about.

After this mission Bertrand was commissioned with others to examine the *Postilla in Apocalypsim* of Petrus Joannis Olivi. Olivi's writings had for some time been under suspicion, and the recent events in Narbonne with the rebel-

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[1] "Et licet iidem inquisitor et minister, ad partes easdem accedentes pro reformanda pace multo labore sudaverint, nihil tamen profecerunt." Cf. *Hist. litt.*, XXXV, p. 149, and Riezler, l. c., p. 37.

[2] *BF*, V, n. 338; *Hist. litt.*, XXXV, 150 sqq.

[3] Thomas, *Hist. litt.*, XXXV, 152-53.

lious Spirituals again drew the Pope's attention to these writings. This *Postilla* was closely associated with the prophecies of Joachim of Fiore, according to which prophecies the Spirituals would experience an epoch of triumph after having suffered so much. Pope John XXII entrusted the censuring of the writing to the Dominican Cardinal Nicholas de Albertis,[1] who in turn delegated eight theologians residing in Avignon to examine the said writing.[2] Among these eight theologians was *fr. Bertrandus de Turre*. These same examiners declared sixty articles of the *Postilla* as heretical.[3] But the book was not definitely condemned by the Pope until February 8, 1326.

Bertrand's services in the interests of the Holy See did not remain unrewarded. On September 3, 1320, the Pope appointed him Archbishop of Salerno, and on October 21 of the same year Bertrand was consecrated bishop in Avignon.[4]

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[1] Cardinal Nicholas de Albertis, O. Pr., died on April 1, 1321, at Avignon. Cf. Eubel, *Hierarchia*, I, p. 13.

[2] The names of the theologians are found in Baluze-Mansi, III, p. 256.

[3] The censuring of the Postilla (Baluze-Mansi, III, 256 sqq.), took place after June 11, 1318, and before Sept. 3, 1320, since Guido of Terrena, one of the examiners, was elected Prior General of the Order of Carmelites on the first date and Bertrand de Turre ended his Provincialate by being appointed Archbishop of Salerno on the second date. Both are termed in the writing "Prior General" and "Provincial." The abovementioned (pp. 21-22) *Practica officii inquisitionis* of Bernard Gui, which was finished 1323-24, places the date of this censuring in the year 1319 (ed. Mollat, p. 111). This seems to correspond to the reality. For Bertrand returned from his mission in Italy probably only in the year 1318 since the Pope writes to him in November 1317 as still absent. However, in September 1318 he again undertook a mission as legate, and returned most probably only at the end of that year (1318). The writing of Olivi to be examined was very lengthy and sufficient time was required to examine it carefully. — Cf. Ehrle, *ALKG*, III, 451 sqq.

[4] Wadding, in *Regestum Pontificium* (t. III, 451 sqq.) dates the document of Bertrand's appointment as "datae Avenione III nonas Septembris anno IV;" this might be 1319 or 1320. If we reckon the *IV anno* from the

As already mentioned, Bertrand was titular Archbishop of Salerno and a certain relation of his, William of Goudon, administered the diocese.

Shortly afterward, on December 19 or 20, 1320, Bertrand was promoted to Cardinal-Priest of the titular church, St. Vitalis, and shortly after, June 11, 1323, was promoted to Cardinal-Bishop of Frascati.[1] As cardinal he renounced in the year 1321 his right to the income of the benefices belonging to the Bishopric of Salerno, and received in their stead other benefices.[2] In the course of time Bertrand has been confused with another cardinal from the Minorite Order, namely, with Cardinal Bertrandus Atgerius (better Lagerius) of Figeac, and most probably from this confusion received his later introduced name *Bertrandus Augerius de Turre*.

In the earlier sources we always find Bertrand with the name *Bertrandus de Turre*. The same is also to be said about his name in Papal documents. Bartholomaeus Pisanus, in his work *Opus conformitatum S. Francisci ad Christum*, which was written between 1385 and 1390, confuses Bertrand once with Bertrand Lagerius (Atgerius). This confusion of

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election of Pope John XXII, we have 1319; if, on the other hand, we reckon from the coronation of the Pope, we have 1320. Wadding reckoned from the election since he names Bertrand as Bishop of Salerno already in the year 1319 (W ad an. 1319 n. 5). According to the Vatican documents (*Comm. Joh.*, XXII, an. 5, p. 1, ep. 557). "Eodem anno fit 20 Decembris Cardinalis tituli S. Vitalis." It is certain he was promoted to the cardinalate in the year 1320. Cf. Eubel, *Hier.*, I, 115; also *AF*, III, p. 461, n. 1, and p. 473. There is no longer any doubt of the year of Bertrand's appointment as Archbishop of Salerno (1320).

[1] Eubel, *Hier.*, I, 15. — Ciaconus-Oldoinus, *Vitae et gestae*, II, p. 416, gives us the coat-of-arms of Bertrand as Cardinal-Bishop of Frascati. Petrus Rodulphius, l. c., 221, gives us a different coat-of-arms, which he ascribes to Bertrand. What coat-of-arms Bertrand really had, we do not know. The above-mentioned coat-of-arms of the two authors are the product of imagination and phantasy of a later period.

[2] Langlois, l. c., p. 192.

Bartholomaeus might perhaps be ascribed to an oversight on his part, because in another part of the same work he writes correctly about the two cardinals. When treating of the cardinals of the Minorite Order, he says: "Undecimus cardinalis fuit Frater Bertrandus de Turre... factus per dominum Joannem XXII et fuit episcopus Tusculanus." [1] This notation about Bertrand de Turre is absolutely correct. Shortly afterward he writes of Cardinal Bertrand Lagerius (Atgerius): "Decimus septimus cardinalis fuit frater Beltrandus (Bertrandus) de Figiaco... factus cardinalis per dominum Gregorium XI et fuit episcopus Ostiensis." This phrase about Bertrand Lagerius is also correct. However, later in the same work, when writing about the Province of Aquitaine, he says: "Custodia Ruthenensis... locum de Figiaco... de isto loco fuit dominus cardinalis frater Bertrandus de Turre, in theologia magister, qui postillavit omnia evangelia et epistolas totius anni... factus cardinalis per dominum Gregorium XI." [2] Here the two cardinals are confused with each other. For Fr. Bertrandus Atgerius († 1372), and not Fr. Bertrandus de Turre, was created cardinal by Pope Gregory XI. [3] But Bartholomaeus does not introduce Bertrand's name as Bertrand "Augerius."

The mistake (or perhaps better the oversight) of Bartholomaeus Pisanus, however, was the occasion for later confusions of the two personalities. We find this in the case of the Minorite Petrus Rodulphius Tossinianensis (O. M. Conv. † 1601). Concerning the cardinals of the Minorite Order he writes: "Fr. Bertrandus vel Beltrandus, Agerius de Turre Cambolico, Caturcensis, Aquitanus vel, ut aliis placet, Mediolanensis, nobili genere natus... qui vulgo dicebatur Strabo de Baiona... deinde archiepiscopus Salernitanus, a Joanne XXII...

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[1] Liber I, fructus VIII, *AF*, IV, p. 346.

[2] Liber I, fructus XI, *AF*, IV, p. 538.

[3] Eubel, *Hier.*, I, p. 21.

obiit Avenione 1326." [1] Through this apparent confusion of the two personalities the adjunct "Augerius" (from Atgerius) has most probably been given to Bertrand de Turre. At least I have not been able to find any other reason for the introduction of this adjunct to Bertrand's name. The name "Augerius" has nothing to do with Bertrand de Turre, and one erroneously designates Bertrand with it.

When Petrus Rodulphius, in his above-mentioned quotation, says of Bertrand de Turre, "qui vulgo dicebatur Strabo de Baiona," he falls into another mistake. For Bertrand of Bayonne (de Baiona), not Bertrand de Turre, was designated "Strabo." [2]

As cardinal, Bertrand resided at the Curia in Avignon, and we hear nothing about him until the Chapter of Perugia, about which the following chapter of this work will treat.

When the controversy concerning the poverty of Christ broke out, Bertrand took the side of the Minorites. Although we know nothing of his activity in the contention before the Chapter of Perugia, his later activity shows us that he was probably, previous to the Chapter, a zealous defender of his Order.

Whether Bertrand was present at the above-mentioned consistory of March 6, 1322, together with the other Minorites cannot be determined. [3] However, he was probably there, although he is not mentioned; for he was a Minorite and a cardinal. But even if present, he does not appear to have taken an active part in the discussion; otherwise we should find some mention of him in the consistory.

When we consider Bertrand as Minister Provincial, we find him a true representative of the Community of the Order. His conservative spirit was against radical innova-

[1] *Historia seraph. rel.*, fol. 221.

[2] Cf. Bierbaum, *Bettelorden*, p. 306 sqq. and especially p. 323.

[3] Cf. pp. 28-37.

tions, and against the exaggerated idealism of the Spirituals, who had withdrawm themselves from the obedience of their legitimate superiors. This respect for authority shows itself throughout Bertrand's career, especially later in the controversy about the poverty of Christ, when he readily submits to the decision of the Pope. If Bertrand in his canonical proceedings against the Spirituals insisted on his authority as canonical superior, and thereby was obliged to take stringent measures against the fugitives of his Province, one must, nevertheless, add that this same principle of having authority respected, even by taking severe measures against the disobedient, never allowed Bertrand to fall into the obstinacy of other Minorites in later circumstances under Pope John XXII.

Furthermore, we have seen Bertrand in the diplomatic service of the Pope. The two above-mentioned missions were of a very difficult nature. In order to represent the Pope in such affairs, one would certainly have to be a person in the close confidence of the Pope, and precisely Bertrand and Bernard Gui were chosen. They did not bring their missions to ultimate success, but they served their purpose. They were to prepare things for the final success. The most arduous task is that of the so-called diplomatic "pathfinders," who prepare the way for the others after them. This was the task of Bertrand and Bernard. This confidence of the Pope in Bertrand persisted throughout Bertrand's life, and Bertrand never gave the Pope occasion to regret having placed confidence in him.

CHAPTER III.

The Chapter of Perugia (1322) and Cardinal Bertrand's Participation in the Declaration of the Chapter.[1]

The decretal *Quia nonnunquam* (March 26, 1322) was of great importance for the Minorites, because Pope John XXII with this decretal had abolished the above-mentioned pain of excommunication of Pope Nicholas III in the declaration *Exiit*. As already stated, *Exiit* had prohibited anyone under pain of excommunication to explain the rule of St. Francis as also the decretal itself, except grammatically. Pope John XXII now repealed this prohibition of Nicholas III by virtue of this new decretal, so that those delegated by the Pope might now inquire into the true meaning of various points of *Exiit*.[2] Although Pope John in this decretal says nothing against the Minorite teaching concerning the poverty of Christ, the Minorites had easily understood what the Pope wished.[3] For only a short while before this John had declared *Exiit* as "salubriter edita, solida quidem, clara et

[1] Fr. Anthony Fantozzi, O. F. M. Un. Leon. of Perugia, who knows the archives of Perugia very well, has informed me that the minutes of the Chapter of Perugia (1322) are not to be found in the Municipal Archives, which contain the archives of the old Minorite Convent of Perugia. We must, therefore, content ourselves with that which is already printed.

[2] "Nos autem attendentes, quod argumentis frequenter et collationibus latens veritas aperitur, quodque sub eadem littera (*Exiit*) saepe latet multiplex intellectus, necnon esse difficile volentibus constitutionem praedictam perfecte legere ac intelligere poenas adiectas... viam veritatis aperire volentes ac periculis, quae ex praedictis possunt litteratae personae (praecipue scholasticae) incurrere etc." *BF*, V, p. 225.

[3] On the contrary he says: "Per suspensionem autem huiusmodi nequaquam licentiam cuiquam intendimus impertiri, quod contra fratrum

lucida multaque maturitate digesta."[1] Now, on the other hand, the Pope declares that the true meaning of *Exiit* might perhaps be doubtful, and the Minorites considered this as the Pope's first step against the Minorite teaching concerning the poverty of Christ. Furthermore after the turbulent consistory of March 6, it was quite evident which opinion the Pope favored.[2] He favored the Dominican opinion in this controversy, and now *Exiit* should be examined to see if it was possible to find another meaning of the contents of this declaration. It was for the Minorites inconceivable, how *Exiit* could be understood in any other manner than they propounded. They considered *Exiit* a formal definition of their teaching on the absolute non-possession of the Apostolic College, and when something was dogmatically defined by the Pope, it necessarily had to remain such. Before Pope John XXII should declare anything concerning the question, the Minorites wished to voice their opinion officially in order to prevent the question being determined against them and the dogmatic definition *Exiit*. Such a task should be assumed by the General Chapter. For such an important affair that concerned the entire Order regarded the General Chapter.

These were the circumstances when the Minorites gathered for General Chapter at Perugia on Pentecost (May 30), 1322.[3]

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regulam praedictorum dogmatizare, scribere seu determinare, praedicare seu praecise loqui liceat publice vel occulte, quinimo omnibus et singulis auctoritate praefata districtibus inhibemus."

[1] Namely in the decretal *Quorumdam exigit* (Oct. 7, 1317); cf. p. 23 and 44 of the present work.

[2] Cf. pp. 28-31 of the present work.

[3] The Chapter was held in the Minorite Convent, S. Franciscus Prati. In this same convent a second General Chapter was held in the year 1453 and a third one in the year 1464. In the Chapter of 1464 P. Franciscus della Rovere from Savona, who later reigned as Sovereign Pontiff of the Church under the title of Sixtus IV (1471-84), was elected Minister General of the Order.

One would naturally expect the General Chapter to say something concerning the poverty of Christ at such a critical time for the Order, but at the same time one would not have thought that the Minorites would go as far as they did in this Chapter. Precisely the desperate circumstances in which they found themselves urged them on to the extreme, in order to safeguard their opinion on the poverty of Christ.

The Chapter was not long in session when the capitulares declared on June 4, in a manifesto addressed to the entire Christian world, that the teaching concerning the absolute renunciation of all earthly goods by Christ and the Apostles, about which teaching the Roman Curia now had doubts, had already been defined as a matter of faith by Pope Nicholas III: and, therefore, there could be no question of attempting to break down the authority of *Exiit,* or even of discussing the question of the poverty of Christ and the Apostles.[1] With this audacious declaration the Chapter hoped to deter the Pope from giving out his intended doctrinal definition of the question. In reality, however, this reckoning of the Chapter miscarried.

The manifesto is first of all addressed to all Christians, (*universis Christifidelibus*).[2] This is of no mean importance,

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[1] The declaration is found in Baluze-Mansi, l. c., III, p. 208 sqq.; also in w W ad an. 1322, n. 53-54; cf. also *BF, V*, p. 235.

At the same time the Chapter wrote a letter to the Pope, in which the Minorites assured him of their fidelity to the Holy See, and earnestly besought the Pope to recall the suspension of the pain of excommunication set down in the constitution *Exiit.* At the end of the letter they made known to the Pope the prayers that had been ordered by the Chapter for his intention. This letter is not contained in Baluze-Mansi's edition of the *Chronica Nicolai Minoritae*, but was edited by Müller in *Zeitschr. für Kirchengesch.* VI (1884), 106-108, and recently by Delorme in *AFH*, X (1917), 100-102. Delorme's copy is taken from a manuscript in the archives of the Minorite Convent in Fribourg, Switzerland.

[2] The Minorite John of Winterthur tells us in his chronicle (p. 94), how the people and clergy were all ears to hear how the question about the poverty of Christ would be decided by the Chapter. Evidently the decla-

for it was certainly rather audacious for the General Chapter of an Order to communicate to the entire Christian world a declaration on a question, which at that very time was pending in the Roman Curia and which awaited the decision of the Pope, to whom alone belonged the right of communicating the decision to the entire Christian world.

Furthermore, it is stated very clearly that the capitulares had examined the question thoroughly, and only after they had heard discussions for and against their opinion, did they make their decision known to the world. They wished to show by this that their opinion was not published without due reflection. We need not doubt that the question was really scientifically discussed, because we know that St. Bona-

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ration was read there on the spot after the close of the session. We know that at that time not only a great number of Friars, who had no voice in the Chapter, came to the General Chapter, but also a large number of the people and clergy flocked to the place of the General Chapter. Cf. Holzapfel, *Handbuch der Geschichte des Franziskanerordens* (Freib. i. Br., 1909), p. 187. However, John of Winterthur gives the place of Chapter in 1322 as Paris (Parisiis). It is a confounding of the words "Parisiis" and "Perusius." Cf. Hofer, *Zeitschr. für schweiz. Kirchegesch.*, XXI, p. 249, n. 1 and p. 250, n. 1.

A notice from the *Annales Decemvirales Perusini* shows us how the city of Perugia occupied itself with the General Chapter of the Minorite Order: "Eodem die (xviii Februarii 1322) fiat apodissa per d. Joannem de Esculo presentem Capitaneum populi, de voluntate dd. Priorum artium numero decem in concordia, quod massarius Comunis Perusii det et solvat, et dare et solvere teneatur, debeat Capitulo et conventui Fratrum S. Francisci de Perusio pro subsidio et subrectione [i. e. subventione] expensarum faciendarum per dictos Fratres occasione Capituli generalis totius Ordinis celebrandi nunc in proximo in civitate Perusii secundum formam reformationis Priorum et Camerariorum artium, de qua constat manu ser (thus in the manuscript) Ranutii, notarii reformationum Comunis Perusii, V florenos de auro." (*Annales Decemvirales*, 1322, 19 Februarii, fol. 40r, in Municipii Perusini Bibliotheca).

This text was communicated to me through the courtesy of Rev. Anthony Fantozzi, O. F. M. Un. Leon. of Perugia.

venture had introduced the custom of holding scientific disputations at the General Chapter of the Order. [1] We have already mentioned that the *Studium Generale* of Perugia was one of the colleges of the Order in which the question concerning the poverty of Christ had for a long time been scientifically discussed. [2]

In order not to appear as opponents of the Church, they declared their opinion as that of the Church, and for this reason did they wish to hold steadfastly to it. [3] That was also true in as far as they wished to hold steadfastly to the declaration *Exiit* of Pope Nicholas III. which they considered as a formal definition of the Church.

Finally they came to the declaration itself: " Dicimus et fatemur, quod dicere et asserere, quod Christus viam perfectionis ostendens et apostoli eamdem viam perfectionis sequentes atque exemplum in alios volentes perfecte vivere derivantes, nihil iure proprietatis et dominii seu iuris proprii in speciali et in communi habuerunt, non est haereticum, sed sanum, catholicum et fidele, maxime cum Sancta Romana Ecclesia... " [4] It is a direct answer to the question which the Pope had presented in the consistory: " Utrum asserere etc. " [5]

[1] Cf. Holzapfel, l. c., p. 184.

[2] Cf. p. 25, n. 1, of the present work.

[3] " ... determinationi sacrae Romanae Ecclesiae inhaerentes. " Carlini, *Fra Michelino*, p. 87, sees in this formula a certain coldness towards the Pope. For, as he says, the Church was the general Council and not the Pope. It is much more probable that the capitulares refer by *determinatio Ecclesiae* to the declaration *Exiit*, which had been promulgated by Pope Nicholas III. A general Council would have helped them very little, because the Dominicans and the Prelates would have also participated in such a Council; we know that the Prelates were for the most part against the Minorite opinion concerning the poverty of Christ.

[4] Baluze-Mansi, l. c., p. 209.

[5] Cf. pp. 28-30 of the present work.

In order to confirm and prove their opinion, they quote the words in the declaration *Exiit:* "Dicimus, quod abdicatio proprietatis huiusmodi omnium rerum non tam in speciali, quam etiam in communi propter Deum meritoria est et sancta, quam et Christus viam perfectionis ostendens, verbo docuit et exemplo firmavit, quamque primi fundatores militantis Ecclesiae, prout ab ipso fonte hauserant, volentes perfecte vivere, per doctrinae et vitae exempla in eos derivarunt." [1] Pope Nicholas III had thus defined the question, they asserted, and one could not change this formal definition. Not only had Pope Nicholas III thus defined the question, but the Council of Vienne had also confirmed this doctrine of Pope Nicholas with the decretal *Exivi de Paradiso;* and even Pope John XXII himself in his decretal *Quorumdam exigit* had praised and confirmed the constitution *Exiit.* The conclusion of their argument is, therefore, that the Minorite teaching about the poverty of Christ had been defined by Pope Nicholas as Catholic dogma and therefore there could be no further discussion about it.

This declaration was signed and sealed by the Minister General of the Order, Michael of Cesena, who presided over the Chapter, and eleven Provincials and masters and bachelors of Theology. [2]

Shortly afterward, on July 11, of the same year, they issued a more extensive declaration. [3] This second writing was signed not only by Michael of Cesena and the eleven mentioned personages but also by all masters and bachelors

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[1] Friedberg, *Corpus,* II, 1112. Cf. p. 27, n. 2, of the present work.

[2] The names are: "Guillelmus Angliae, Henricus (Thalheim) superioris Allemaniae, Arnaldus Aquitanus provinciales ministri, in sacra theologia magistri, nec non Ugo de Novocastro et Guillelmus de Alnuich, sacrae theologiae doctores, Nicholaus minister Franciae ac Guillelmus Bononiensis, Petri provinciae sancti Francisci, Fernandi provinciae Castellae et Symonis provinciae Turoniae."

[3] Cf. Baluze-Mansi, l. c., 208 sqq.

of theology (46 in number) in the Order, which included the Parisian as well as the Oxonian masters. At the end the names of many were introduced, who held the same opinion as the Chapter; among these latter we find the name of Cardinal Bertrand de Turre. This latter declaration is, however, not essentially different from the former, but is only a magisterial declaration of their decision written for the learned (the Scholastics). Numerous texts from Holy Scripture and the Fathers of the Church are quoted in order to prove their opinion. The writings and bulls of the various former Popes are also quoted.

Such are the facts about the declaration of the Chapter of Perugia, which strengthened the opposition of the Minorites against the Papacy during the conflict about poverty. But now we come to a question, which is by no means easy to answer: what share did Cardinal Bertrand de Turre have in the declaration of the Chapter of Perugia?

We know that Cardinal Bertrand de Turre had relations with the city of Perugia, and indeed in the year 1322, from the fact that the Priores of the city of Perugia on October 19, 1322, assigned to the servant of Cardinal Bertrand de Turre a certain sum of money in payment for his services of carrying letters to and fro between the city of Perugia and Cardinal Bertrand de Turre (in Avignon).[1] According to this Bertrand carried on an extensive correspondence with the Priores of the city of Perugia, and was involved in the

[1] From the *Annales Decemvirales Perusini*, 1322, 19 Octobris (fol. 197v): "Die xviiii mensis Octobris. Dn. Priores artium civitatis Perusii numero VIII in concordia, absente Nero Dominichelli, priore infirmo, existentes in domo eorum solitae habitationis, auctoritate, baylia et arbitrio eis concessis causa guerrae vertentis inter Comune Perusii ex una parte et intrinsecos de Spoleto ex altera; providerunt, statuerunt, ordinaverunt, reformaverunt et mandaverunt quatenus massarius Comunis Perusii det et solvat et dare et solvere teneatur Perotto cursori et familiari domini fratris Bertrandi Cardinalis in Curia Romana portaturo litteras Comunis

political affairs of the city. Furthermore, we have seen before that Cardinal Bertrand de Turre was among those, who at the end of the larger declaration of the Chapter are listed as adherents of the opinion and conviction of the Chapter. But this is easy to understand. For the entire Order was unanimous in the defense of the Minorite opinion concerning the poverty of Christ.[1] And in fact we see the Spirituals defending the Order. Ubertinus of Casale, the leader of the Spirituals of Provence, now placed himself in the ranks of the defenders of the Order, although we know that he was formerly most aggressive toward the Community of the Order.

Bertrand as a learned man and Cardinal of the Order was also prepared to defend the Minorite opinion in order to prevent a Papal decision to the contrary. He was at this time occupied with this treatise in favor of the Minorite teaching.

But did Bertrand have an especial share in the compilation of the declaration of the Chapter of Perugia? Here we are confronted with difficulties.

According to a letter of Michael of Cesena from Munich in the year 1332 to the General of the Order, Gerald Odonis, Bertrand de Turre had an especial share in the compilation of the declaration. Michael says that he himself had not written the declaration, but Cardinals Bertrand de Turre and Vitalis de Furno had communicated the declaration to him in writing. Furthermore, that the text communicated by the two cardinals contained the phrase that the opposite of the Minorite opinion was heretical. He (Michael), however, had omitted this, and had had the Chapter confirm only that

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Perusii causa guerrae Spoleti et pro ipsius guerrae expeditionis pro suo premio dicti servitii unum florenum de auro sine aliqua alia appodissa, aliquo non obstante."

[1] "Concorditer et unanimiter dicimus et fatemur."

the Minorite opinion was not heretical but Catholic and sound dogma. [1]

According to this letter, therefore, Bertrand had desired the Chapter to declare that the assertion that "Christ and the Apostles had possessed anything with proprietary rights individually or in common," was heretical. Can we admit this?

Tocco does not doubt the truthfulness of Michael's statement, because, as he says, the two cardinals considered the resolution of the General Chapter as the best means to restrain the Pope from promulgating a decision unfavorable to the Minorites. [2] Oliger will not offhand accept Michael's statement. [3] And justly so. For Tocco's reasons prove absolutely nothing.

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[1] *AFH*, IX (1916), p. 167: "... Quamvis ego secundum rei veritatem illam litteram (i. e. declarationem Peruginam) motu proprio non formaverim nec formare disposuerim, sed instinctu et motu ac inductione et instantia magna dominorum nostrorum Cardinalium, scilicet dominorum Fratrum Vitalis et Bertrandi in scriptis transmittentium mihi istius litterae tenorem et formam, accedenti unanimi consensu et voluntate totius Capituli generalis; quamvis eorum tenorem et formam in parte temperaverim, quia ipsi mandabant, quod ego ponerem et oppositum dicere esse haereticum; quod ego facere nolui, sed solum posui, quod hoc est sanum, Catholicum et fidele. Et per consequens si aliqua praesumptio in hoc fuisset, fuisset praecipue dictorum dominorum Cardinalium hoc mihi demandantium. Et hoc fuit notorium in toto Capitulo generali."

This text is from the letter *Teste Salomone* (from Munich, Germany, 1332), which Michael wrote to the Minister General of the Minorite Order Gerald Odonis. The above edition in *AFH*, IX, 153, 183, is the first edition of the letter, and is taken from a manuscript in the Bibliotheca Laurentiana (Cod. 12, Plur. 20 sin.) in Florence, Italy. This manuscript contains the best text of the above-mentioned *Chronica Nicolai Minoritae*. The letter is lacking in Baluze-Mansi because the *Chronica* there, being published according to an incomplete manuscript (Cod. Vat.), goes only to the year 1331.

[2] *La Quistione*, p. 26.

[3] *AFH*, XVI (1923), p. 328.

Can Michael's statement be confirmed by the testimony of other sources? One finds nothing to confirm this statement in the sources of that time or even of a later period. The Minorite Nicholas remarks that certain cardinals, and also other distinguished men, had entreated Michael and the General Chapter at Perugia to issue a declaration in which the Minorite opinion concerning the poverty of Christ would be made known to all.[1] This text of Nicholas, however, cannot confirm Michael's statement, because we have already admitted as self-evident that which Nicholas relates. Therefore, nothing remains to be done except the tedious task of placing together and scrutinizing the established facts concerning Michael from the time of his arrival in Avignon (December 1327) until the appearance of the letter in which he makes the assertion about Bertrand. Only after this has been done shall we be in a position to give our judgment about the tenableness of Michael's statement.[2]

When Louis the Bavarian began his march on Rome, Pope John XXII considered it for the best to remove Michael of Cesena from Italy. The relations between the Minorites and the Bavarian appeared suspicious to the Pope, and he wished Michael near him in Avignon during the critical days which were to follow. Accordingly, he wrote to Michael in

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[1] "Subsequenter aliqui cardinales et nonnulli alii viri notabiles requiserunt praefatum Michaelem Generalem Ministrum dicti Ordinis, et totum Capitulum apud Perusium in Festo Pentecostes proxime celebrandum, quod ipsi definirent et determinarent illud, quod de dicta quaestione de paupertate Christi et Apostolorum eius sentirent." (Baluze-Mansi, III, 207-208). W ad an. 1322, n. 52, remarks that among the cardinals were especially Cardinals Vitalis and Bertrand de Turre. The capitulares themselves say in the declaration: "Et requisiti, quid de illa quaestione sentiremus, et in scriptis redigere curaremus."

[2] Since the fifth chapter of the present work will treat of Bertrand's activity from 1323 until his death, we shall not go into detail for the present; some facts are brought out in order to have a background to understand Michael's letter.

June, 1327, and ordered him to come to Avignon on account of certain affairs of the Order. Michael came to Avignon in December 1327, and the Pope received him heartily and with the customary ceremonies of the Curia. When, however, on the following day the Pope reproved Michael on account of the lax discipline and disturbances in some provinces of the Order, and forbade him to leave Avignon without his permission, Michael's ill-will was provoked. For as the head of a large and distinguished Order he must have felt it a severe humiliation to be deprived of the liberty of travelling and choosing his abode. On April 9, of the following year the strained relations between the Pope and Michael shaped themselves into an open conflict, as the Pope called Michael before him and rebuked him severely. During the night from May 26 to May 27, Michael in company with William Ocham and others fled from Avignon to Aigues-Mortes, where a ship that had been sent from Italy awaited them and took them to Genoa. Michael was declared excommunicated by the Pope on June 6 (1328) and deposed from his office as Minister General of the Order. A few days later the governance of the Order was entrusted to Cardinal Bertrand de Turre.

But Michael and his adherents did not remain inactive in Italy. On September 18, 1328, Michael issued his *Appellatio major* from Pisa; which appeal attacked the Pope with every possible theoretical argument and device.[1] In this appeal the Pope is declared a heretic on account of his constitutions regarding the poverty of Christ, and also on account of other opinions. But in this bulky writing, among the theoretical arguments are interwoven also historical remarks, which have as their scope to prove not only that the Pope himself has an erroneous opinion concerning the poverty of

[1] Baluze-Mansi, l. c., III, pp. 246-403; in *BF*, V, one will find the principal contents of this appeal in the notes to pp. 409-410.

Christ, but that he treats the defenders of the poverty of Christ very severely and with prejudice. The fate of Michael, of Berenger of Taloni, of Cardinal Vitalis and the other spokesmen for the Minorite opinion in the consistory of March 6, 1322, is expressively emphasized.[1] Finally Michael appeals to a General Council against the Pope in order to decide the question.

I shall not refer to the individual points of the appeal, but whoever reads this *appellatio* will see at once how far Michael had already advanced on the road of obstinacy. Therein one finds a multitude of things, which show an absolutely subjective and polemical spirit.

Although this appeal allows us to see how Michael had changed, it is, nevertheless, only the beginning of the polemic between Michael and his adherents on one side and the Pope and the Minorite Order on the other. Michael becomes ever more bitter and obstinate in his fight against "Jacobus de Caturco" (thus is Pope John XXII named) and the Minorite Order.

Michael had done everything possible to impede the convening of the General Chapter of the Minorite Order in Paris on Pentecost, 1329. On November 26, of the preceding year he had written to all the brothers of the Order, that they should not come to Paris for Chapter because he, the valid Minister General of the Order, had not ordered the convening of Chapter. However, when he was deposed from his office as Minister General of the Order by this Chapter (the former deposition of the Pope was confirmed by the Chapter), and shortly afterward solemnly excommunicated by Pope John XXII in *Coena Domini* by the constitution *Quia vir reprobus* (Nov. 16, 1329), he saw that his effort to vindicate himself had been absolutely ineffective.[2] On the contrary, his

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[1] Cf. pp. 28-30 of the present work.

[2] *BF*, V, n. 820.

endeavor had occasioned the Pope and the Order to take still further steps against him. More passionately than ever did Michael now direct his polemic against *Quia vir reprobus* when he wrote his *Appellatio Monacensis* from Munich on March 26, 1330.[1] To the Pope are ascribed twelve errors, which are supposed to be found in *Quia vir reprobus*. For Michael the so-called Pope John XXII is nothing more or less than a heretic.

The polemic became still acuter as the Minister General of the Order, Gerald Odonis, announced the convening of the next General Chapter which was to be held at Perpignan on Pentecost, 1331.[2] Michael again wrote to the brothers of the entire Order on January 24, 1331.[3] Michael's principal endeavor here is to show that he himself is orthodox and Catholic, and that the Pope is a heretic on account of his decretals. He warns the brothers that the Pope and Gerald Odonis, who is by no means the valid Minister General of the Order, are striving to force the brothers while in Chapter to retract the declaration of the Chapter of Perugia. The turbulent audience is again portrayed, and he again asserts that the Pope during the audience repeatedly pronounced the said declaration to be heretical.

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[1] Oliger (*AFH*, IV, 16 sqq.), shows us that the so-called *Appellatio Monacensis*, which Baluze-Mansi (l. c., III, 341 sqq.) published under the title *Veritatem Sapientis*, is neither the *Appellatio* of Michael nor a *Defensorium Guillelmi Ochami*, as others have opined, but a circular letter of the Fraticelli in Italy written after the middle of the fourteenth century, and circulated up to the middle of the fifteenth century. In *BF*, V, pp. 426-27, one finds the principal contents of the genuine *Appellatio Monacensis* of Michael of Cesena from Munich, March 26, 1330. Michael came to Munich (Germany) towards the end of the year 1329. Cf. Carlini, l. c., 149-50.

[2] Concerning him cf. p. 40, n. 2, of the present work.

[3] This letter, *Christianae fidei fundamentum*, has been published in *BF*, V, 427-38; also in Baluze-Mansi, l. c., III, 356 sqq. Mansi's copy, however, is not complete and has the incorrect date of January 4, 1331.

But again this polemic failed to produce the effects which Michael had expected. For we read in the Vatican registers that, after the sending of this letter, Michael received a letter from many masters of theology and from other distinguished men of the Order, who sought to influence him to come back into the Church and the Order. [1]

It grieved these persons to see how Michael, blinded by his subjectivity and obstinacy, exceeded all limits of moderation and reason, and, filled with hate, continued his polemic against the Minorites who had remained faithful to the Church and the Pope.

In answer to this answer Michael wrote to the Chapter of Perpignan on March 25, of the same year. The letter was delivered to the Chapter by Michael's personal representative, John of Lorraine. [2] Michael briefly defended his former publications and writings and emphasized especially that the Pope had pronounced the declaration of the Chapter of Perugia heretical in the audience of April 9, 1328. Concluding the letter he declared himself ready to retract all his appeals and writings, and even to peacefully resign his office as Minister General of the Order, if the capitulares could prove that what he had formerly written was false; and that all the actions and enactments of the Pope were in harmony with the evangelical truth and the rule of St. Francis. [3]

Michael naturally expected an answer from the capitulares. But they commissioned the Minister General, Gerald Odonis, to respond to Michael's letter. Furthermore Michael and his adherents were absolutely expelled from the Order by the

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[1] "Michael autem de Cesena, cum a pluribus in sacra pagina magistris et aliis notabilibus dicti Ordinis fratribus litteras accepisset, per quas induci videbatur, ut ad unitatem Ecclesiae et Ordinis, a qua dicebatur aversus, accedere festinaret." *BF*, V, p. 497.

[2] Cf. *BF*, V, pp. 497-500 (in the notes).

[3] "Si vero potestis, etc." *BF*, V, p. 499.

Chapter.[1] The capitulares saw from the tone of Michael's letter that there was absolutely no reason to hope for a reconciliation of Michael. This action of the capitulares irritated Michael very much. He upbraided the capitulares in his next letter because they, contrary to all rights and customs, had not answered his letter addressed to them.[2]

These were the dispositions in which Michael received the answer of Gerald Odonis to his two last letters.[3] When Gerald comes to speak of the audience of April 9, 1328, we find a very important remark. He says that the Pope during that audience did not declare the declaration of Perugia heretical as such, but only in as far as it came from Michael; that the Pope never declared it heretical *re et sententia* but only *modo et circumstantiis*.[4] According to this, therefore, the Pope's statement during that audience was directed personally against Michael because Michael had not submitted after the promulgation of the Pope's decision; but had clung still to his own personal opinion regarding the declaration of Perugia. Whether this is absolutely exact, is perhaps questionable, but it is absolutely certain that the Pope in no Papal document whatsoever or in any other manner ever declared the declaration of Perugia heretical. In the

[1] Cf. *BF*, V, in the notes to p. 499.

[2] "Quamobrem ego dictus frater Michael generalis minister dicti ordinis, attendens, quod praedicti fratres respondere dictae litterae neglexerunt et contempserunt, etc." *BF*, V, p. 500.

[3] This letter *Quid niteris* was written after Pentecost 1331, and has recently been published again by Heyesse in *AFH*. IX (1916), 140 sqq.

[4] L. c., p. 141: "Unde mirari non debuisti si Papa litteram tuam seu determinationem tuam, pro quanto erat tua, dixit haereticam; non quidem definiendo, pronuntiando vel sentiendo, vel etiam pro tribunali sedendo, sed ad partem coram Ordinis nostri Fratribus obiurgando, reprehendendo et tuam temeritatem praesumptuosam increpando." L. c., p. 142: "Quare non mirum, si ad causam et speciem dictae litterae seu determinationis, vel potius, ut praedictum est, indeterminationis attendens, dixit haereticam modo et forma et circumstantiis supradictis."

above-mentioned audience he was angered precisely against Michael, and the statement of Gerald may very easily correspond to the objective truth of the situation. At the end of the letter Michael is again reminded of what he had written regarding the retractation of all his former statements. In such a case, Gerald assures him, he (Michael) would have him and the others as his friends and cooperators. But if he refused to desist from his statements, then he would have to defend himself before the world against this answer of Gerald.

This letter of Gerald incensed Michael more than ever, and caused him again to take up his pen to defend himself. This defense should show the letter of Gerald Odonis to be absolutely false, and is precisely the above-mentioned letter *Teste Salomone,* in which we find the assertion regarding Cardinals Bertrand de Turre and Vitalis de Furno.

The statement regarding the two cardinals is in Michael's reply to Gerald's objection that Michael had had the audacity to promulgate the decision of the question concerning the poverty of Christ (with the declaration of Perugia), when the question was already before the Pope to be decided by him and him alone. Michael places the real blame on the two cardinals and wishes to show that he, as praeses of the Chapter of Perugia, did not issue the declaration in such an aggressive form as it had been communicated to him; but had changed it so that the opinion of the opponents of the Minorites should not be declared heretical.

From the above-described polemic one can see how subjectivity and obstinacy permitted Michael and his adherents to deny or explain everything according to their own opinion. This fact alone would force us to seek a confirmation of Michael's assertions during the polemic, before we could accept them as objective truth. Especially must one admit this when there is the possibility of explaining the facts in question objectively in another manner, e. g. we find in

the same letter, *Teste Salomone,* the assertion that Pope John XXII had declared the constitution *Exiit qui seminat* heretical.[1] The editor of the letter remarks at once in a note that the Pope had never done this.[2] And this is absolutely correct. The entire difficulty consists in reconciling the statements of the two Popes. Up to a certain point such a reconciliation is possible, as we shall see later.

It is unnecessary for us to go over the letter in all its details. The aforesaid shows us that we need a confirmation of Michael's assertion, in order to accept it as it stands in the letter.

On the other hand, should we be justified in absolutely rejecting Michael's assertion ?

We have already seen how affairs stood with the Minorites in the consistory of March 6, 1322, after Cardinal Vitalis de Furno in particular asserted that the opinion of the opponents of the Minorites was heretical.[3] It was very evident to all that the Pope favored the opinion contrary to the Minorites. Therefore, to insert in the declaration of Perugia that the opinion contrary to that of the Minorites was heretical, would certainly be the wish of one who was ready to go to the extreme in defending the Minorite opinion. One might expect this from Cardinal Vitalis. For he showed himself an adherent of the extreme party not only in the consistory, but also afterwards in his treatise on the question, and, as we can surmise from later proceedings of the Pope against him, the Pope considered Vitalis as such.[4] Thus

[1] L. c., p. 162: "Tertio quoniam ipsemet dominus Joannes in quadam decretali, quae incipit *Quorumdam exigit...* approbavit et etiam confirmavit. Quod si postea, depravatus errore, ipsam sicut erroneam et haereticam condemnavit."

[2] L. c., 162, n. 3: "Quod Joannes nunquam declaravit."

[3] Cf. pp. 28-30 of the present work.

[4] Cf. Tocco, *La Quistione,* p. 29, n. 1.

Michael might be right in as far as he speaks of Cardinal Vitalis' participation in the declaration of Perugia.

In regard to Cardinal Bertrand de Turre, we are not even sure that he was present at the above-mentioned consistory.[1] Even if he was present, he certainly had not taken a very energetic stand against the opinion of the opponents. For in this case he would have at least been mentioned.[2] Precisely his moderation in defending the opinion of his Order may explain the silence about his presence. Therefore, Bertrand's activity before the Chapter of Perugia can in no way justify Michael's assertion.

But another possibility presents itself. Had Bertrand as a prudent diplomat conducted himself before the Pope otherwise than when he was among his confrères; was he privately among the latter one of those extremists? This also appears improbable.

First of all, one must take into consideration that the participation in the declaration of Perugia ascribed to Bertrand by Michael would soon become known to the Pope. For Michael himself says, "et hoc erat in toto capitulo notorium." It is, therefore, well known to the entire Chapter what Michael asserts about Bertrand. On the other hand, we see in Bertrand's written opinion (treatise) on the question in preparation for the promulgation of the constitution *Cum inter nonnullos* (November 12, 1323), that Bertrand did not advocate this extreme opinion; he was the most moderate of all the Minorite writers of these treatises on the question.[3] He never judges the opinion of the opponents of the Minorites harshly. He does not wish to assert that the opinion of

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[1] Cf. p. 52 of the present work.

[2] Vitalis de Furno and Arnald Roiardi were mentioned as having said that the opinion of the opponents was heretical. Cf. p. 29 of the present work.

[3] In the next chapter we shall see more about this.

the opponents of the Minorites is heretical precisely for the reason that the question, as far as Holy Scripture is concerned, is not in the least absolutely evident.

Would such ambiguous and deceitful tactics of Bertrand have escaped reproach from Pope John XXII? Anyone who keeps in mind the irritable character of the Pope must deny that such conduct of Bertrand would have caused no reaction in the Pope. We know that not only Cardinal Vitalis de Furno but also the other Minorite bishops who wrote the treatises in preparation for the above-mentioned constitution, even after their submission to the subsequent Papal constitution, had to suffer; they were deposed or transferred to less agreeable dioceses.[1] Bertrand was the only one of them who continuously from beginning to end remained in the favor of the Pope. Indeed, shortly after the month of June, 1323 (therefore before the submission to *Cum inter nonnullos*) he was promoted to Cardinal-Bishop of Frascati.[2] Such a deceitful policy, which Michael's assertion presupposes, would never have allowed the Pope to favor Bertrand in such a manner at that time.

Furthermore, one must also recollect that it was never before asserted about Bertrand that he had sought to exact from the Chapter of Perugia a declaration, in which the opinion of the opponents of the Minorites should be declared heretical. After he had been appointed Apostolic Vicar-General of the Order, when Michael of Cesena was deposed from the Generalate, Michael's friends and adherents said nothing about Bertrand, although they wrote openly in defense of Michael.[3] Even Michael himself protested in his

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[1] Cf. Tocco, *La Quistione*, p. 29.

[2] Cf. p. 50 of this work.

[3] The *Allegationes Magistrorum* were written by Henry of Thalheim, Francis de Esculo, William Ocham and Bonagratia of Bergamo; edited by Baluze-Mansi, l. c., III, 314 sq. and in *BF*, V, p. 388 sq.

above-mentioned writings against the appointment of Bertrand but said nothing about Bertrand's particular participation in the declaration of the Chapter of Perugia. Even in the description of the turbulent audience of April 9, 1328, upon which so much stress was laid, Michael says nothing about Bertrand. We know, however, that Bertrand was among those present.[1] Michael contradicted the Pope in a fiery manner when he was accused on account of the declaration of Perugia, but said nothing about Bertrand or to Bertrand.[2] Naturally this silence could under ordinary circumstances be in favor of Michael's assertion, in as far as one could say that Michael and his adherents were silent all the while because they considered Bertrand as one of their party. But this cannot be admitted after all that has been said. On the contrary, this silence is in Bertrand's favor, because Bertrand was, as these people wrote, undoubtedly on the Pope's side against Michael and his adherents. The Pope had even placed Bertrand at the head of the Order, precisely at the time when he had taken stringent measures against Michael and his adherents. And the preparation for the Chapter of Paris (1329) shows us that Bertrand gave the Pope full support in his activity against Michael. Such an attitude from a Minorite who, at the compiling of the declaration of Perugia, was an advocate of the extreme party against the opponents of the Minorites would certainly have irritated Michael and his adherents to the utmost. And yet not one single word do we hear about it.

From the aforesaid the following must be concluded. Michael's assertion, that Bertrand strove to effect a declaration from the Chapter of Perugia in which the opinion of the opponents of the Minorite teaching concerning the poverty

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[1] In chapter V this point will be discussed more in detail.

[2] W ad an. 1328, n. 12: "Michael ad hoc temere et irreverenter, animose nimis quam deceret, respondit, negans, quae ei obiiciebantur."

of Christ should be declared heretical, is untenable. One could easily explain Michael's assertion by supposing that Michael in his effort to justify himself made no effort to distinguish between Cardinals Bertrand and Vitalis. Since both cardinals defended the Order and confirmed the declaration of the Chapter of Perugia, they could have easily written to Michael: Vitalis, as an advocate of the extreme opinion that the teachings of the opponents of the Minorites concerning the poverty of Christ should be declared heretical; Bertrand, on the other hand, as an advocate of the opinion of the majority of the Minorites, namely, that the Minorites should declare that their opinion was not heretical but Catholic and in accordance with Holy Scripture and the constitution *Exiit* without discussing further the opinion of the opponents.

Michael, however, in his subjective comprehension, which is much too evident throughout the entire letter *Teste Salomone,* wrote that both the cardinals strove to elicit a declaration from the Chapter condemning the opinion of the opponents of the Minorites as heretical. Bertrand as a Minorite could have gone to the extreme in his effort to defend the Order but our exposition to the contrary proves the improbability of such conduct from Bertrand, and the mere possibility does not by any means justify Michael's statement.

Bertrand certainly thought like the majority of the Minorites at the Chapter of Perugia, namely, that the Minorite opinion should be defended in order to restrain the Pope from promulgating a decision unfavorable to their teaching concerning the poverty of Christ. They thought that the Pope would have consideration for their opinion when the General Chapter of the Order would take such a step. Their attitude was defensive, i. e., they sought to defend their opinion concerning the poverty of Christ. One will undoubtedly also notice a certain offensive attitude against the

opinion of the opponents, but the endeavor in itself remained defensive. By no means can one concede that the capitulares wished with this declaration to proceed offensively against the Pope. On the contrary, we see in the above-mentioned letter to the Pope, that the Minorites at the Chapter of Perugia thought altogether differently.[1] They declared themselves loyal subjects and children of the Pope, and concluded by imposing on all priests of the Order to say ten Masses for the Pope, all the clerics to recite the seven penitential psalms ten times, and all lay brothers to say three Our Fathers and three Hail Marys for the same intention. Likewise in this letter one can observe the fundamental principle of the Minorites: the affair had already been defined by Pope Nicholas III and Pope John XXII is requested to change nothing. Although the Minorites had been in the Pope's favor, nevertheless their conviction that *Exiit* was a formal definition allowed them to consider it their duty to defend their opinion at all costs.[2]

But the Minorites were mistaken in presuming that Pope John XXII would allow the declaration of a General Chapter of an Order to intimidate him. The declaration of the Chapter of Perugia displeased him more than ever, and more than ever was he resolved to put an end to the audacity of the Minorites. The time was not ripe for a decisive definition of the question, because the question regarded Scriptural texts and one needed more time in order to investigate thoroughly;

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[1] Cf. p. 56 n. 2 of the present work.

[2] William Ocham says in his letter written in 1334 concerning the proceedings of the Chapter of Perugia: "In quo [i. e. capitulo] fratres quamvis cum timore, tamen ex conscientia processerunt." (Müller, *Zeitschr. für Kirchengesch.*, VI [1884], p. 112). In the more complete edition of the letter in *Rev. d'Histoire franciscaine*, III (1926), p. 215. John of Winterthur in his Chronicle (p. 94) also tells us about the fear of the brethren in Perugia for the Pope. Cf. Hofer, *Zeitschr. für schweiz. Kirchengesch.*, XXI, p. 250.

but without a decision of the question the Pope took steps against the Minorites with the decretal *Ad conditorem canonem* (December 8, 1322).[1]

By this decretal the Pope gave back to the Minorites the ownership of all their movable and immovable goods, and forbade that in the future *Syndici* or *Procuratores* should be appointed. The Pope with this decretal took away from the Minorite Order its preeminence of honor of absolute poverty and non-possession. The Minorites were now placed on the same level with the other Mendicant Orders by being deprived of their juridical privilege of absolute poverty after the example of Christ and the Apostles. With this decretal the Pope touched upon the question long discussed, namely, whether Christ and the Apostles possessed absolutely nothing with proprietary rights, when he demonstrated by various arguments that in regard to all indispensable necessities of life (*in rebus primo usu comsumptibilibus*) e. g. articles of food, clothing, the right of use or the actual use of such articles cannot be separated from the proprietorship of the said articles.[2] That was a direct step against the Minorites and their teaching.

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[1] *BF*, n. 486. — Bonagratia of Bergamo, who was commissioned by the Chapter of Perugia to defend the declaration of the Chapter at the Curia in Avignon, protested (Jan. 14, 1323) in public consistory against the decretal *Ad conditorem*, and in a very imprudent manner. He was for this reason placed in detention by the Pope, and *Ad conditorem* was again published in a second somewhat changed form. Cf. Oliger, *Fr. Bonagratia*, etc., in *AFH*, XXII, p. 299.

[2] " Dicere siquidem, quod in talibus rebus (primo uso consumptibilibus) usus iuris vel facti separatus a proprietate repugnat iuri et obviat rationi. Nec praedecessoris nostri praedicti (Nicolai III) videtur fuisse intentio, Romanae Ecclesiae talium bonorum dominium reservare. Quis enim sanae mentis credere poterit, quod intentio fuerit tanti patris, unius ovi seu casei ac frusti panis et aliorum usu consumptibilium, qui saepe tratribus ipsis ad consummendum e vestigio conferuntur, dominium Romanae

Already with this decretal the Minorites clearly saw that their endeavor to restrain the Pope from further measures by the declaration of Perugia had remained absolutely unsuccessful. The tactics of the Minorites did not attain their end in view, but rather the contrary. This will become clearer in the course of the following pages.

Ecclesiae et usum fratribus retinere?... in quibus (rebus usu consumptibilibus) nec ius utendi nec usus facti separata a rei proprietate seu dominio possint constitui vel haberi ". *BF*, V, p. 239.

CHAPTER IV.

The Treatise of Cardinal Bertrand de Turre for the Preparation of the Decretal "Cum inter nonnullos." (Nov. 12, 1323).

We have already mentioned a treatise of Bertrand de Turre during the controversy about the poverty of Christ. The present chapter will discuss this treatise of Bertrand.

The document in question is found among the various treatises, which were compiled after the promulgation of the decretal *Quia nonnunquam* (March 26, 1322), and treated of the question: "Whether it was heretical to assert that Christ and the Apostles possessed nothing with proprietary rights, either individually or in common." [1] These treatises were written by command of the Pope for a better orientation of the question in discussion, which decision was officially promulgated with the decretal *Cum inter nonnullos.*

All these treatises are found in Codex Vat. lat. 3740 of the Vatican Library, and in a Codex of the Marcian Library (Zanetti lat. 142) in Venice. Tocco described the latter manuscript in his book, *La Quistione,* and published parts of it with remarks concerning the various authors of the treatises. In the present work the Vatican Codex is used, because it is the original manuscript of the treatises. The Codex of Venice is nothing more than a copy of the Vatican Codex.

Codex Vat. Lat. 3740, [2] a parchment manuscript of the 14th century, contains (f. 3 to 78) five treatises in favor of the

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[1] Cf. p. 31 of the present work.

[2] This manuscript has been described by Brettle in his article concerning the treatise of King Robert of Naples. Raynaldus used this manuscript much

Minorite standpoint in the controversy about the poverty of Christ, written by five members of the Minorite Order. [1] Among these five treatises we find (fol. 42-50) the treatise written by Cardinal Bertrand de Turre. In the same manuscript (fol. 80-87) is a brief summary of the five Minorite treatises; herein (fol. 81, 85) is the summary of Bertrand's treatise. [2]

What are the contents of Bertrand's treatise? What is his attitude in regard to the question of poverty?

Bertrand's purpose of writing is in general a defense of the Minorite opinion concerning the poverty of Christ and the Apostles. His treatise has not, therefore, an aggressive character. In the beginning the question in discussion is clearly stated, and at once he says that the assertion, that Christ and the Apostles possessed nothing, either individually or in common, appears to be heretical, because such an assertion has the Holy Scripture against it. Then several texts of Holy Scripture are quoted by which it appears that Christ and the Apostles were the proprietors of earthly goods. Then Bertrand commences to reject and explain these same Scriptural texts. His manner of proceeding consists in clearly presenting the objections of the opponents, and then in rejecting these same difficulties or objections by bringing forward convincing texts or arguments. It is similar to the method used by Scholastics: to bring forward objections which must be solved by the opponent. Only that Bertrand plays at the same time the part of the defendant and the opponent.

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in the compiling of his Annals ad an. 1322 (*Annal. Baronii*, édition Barle-Duc, vol. XXIV, 193 sq.), and parts of it are there to be found in print.

[1] Namely, Cardinal Vitalis de Furno, Cardinal Bertrand de Turre, Arnald Roiardi, Archbishop of Salerno, Aufredus, Lector Barchinonensis and Archbishop Monaldus Beneventanus.

[2] The summary of Bertrand's treatise is printed (from the Venetian manuscript) in Tocco, l. c., pp. 64-74; 84-85.

It is beyond doubt that Bertrand was an advocate of the old Minorite teaching. His proofs from Holy Scripture, from the Fathers of the Church and from reason sufficiently show us how he defended the old Minorite principle, that Christ and the Apostles possessed nothing either individually or in common. The decretal *Exiit qui seminat* is often quoted to confirm his arguments or to repudiate the objections of the opponents.[1]

On the other hand, Bertrand appears to become radical in his defense of the Minorite teaching, when he apparently denies the basis of the right of ownership as proceeding from natural law, but, on the contrary, as an offspring of positive law. For he says distinctly: "Nec potest quis dicere hoc est meum, hoc est tuum: quia est de iure gentium et de humana consuetudine, equitati naturali contrarium."[2]

If we accept these words of Bertrand offhand without the context, we may justly say that he was radical. However, when we consider these words in context with the entire argument, this assertion is incorrect. Let us, therefore, scrutinize Bertrand's treatise and search after the true meaning of the assertion.

First of all, one must absolutely bear in mind that we find ourselves in a theoretical, speculative, theological controversy about the poverty of Christ and the Apostles. We dare not, therefore, discuss the question from a superficial, practical standpoint, but must treat the question theoretically. Only thus proceeding, may one expect to solve the difficulty.

In his proof, that Christ and the Apostles possessed nothing with proprietary rights but had only the simple use of tem-

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[1] One would perhaps be justified in asserting that Bertrand's treatise was finished before the promulgation of *Ad conditorem canonum*, because in this decretal some points of *Exiit* are explained. Bertrand, however, quotes *Exiit* as though nothing concerning its contents had been explained by the Pope.

[2] Fol. 49, II.

poral goods, Bertrand was obliged to explain to whom the ownership of those things belonged which Christ and the Apostles used. In regard to the goods that had been donated by other people, the right of ownership remained with the donors, and Christ and the Apostles had only the simple use of the things in question, either for themselves or in order to distribute them to the poor. But Christ and the Apostles used things which they had acquired from no one. To explain to whom the proprietary rights of such goods belonged, caused no little difficulty.

Bertrand opined that it was not unreasonable to say, that Christ and the Apostles had the use of certain things of this world, which no one could claim with proprietary rights, and of which God alone was proprietor. His thought is the following. The life of Christ and the Apostles was supposed to restore, as far as possible, the world to natural law and to the condition of man before his fall in paradise. However, according to natural law and the state of mankind before the fall, all temporal goods were in common, and only according to *ius gentium* does one possess with proprietary rights. For all things belong to God, as far as ownership is concerned, according to the words of the Psalmist: "The earth is the Lord's and the fulness thereof: the world and all they that dwell therein" (Ps. XXIII, 1-2).[1]

When Bertrand here ascribes proprietary rights to *ius gentium*, and declares that according to the natural law all goods are common, he understands *ius gentium* and *ius naturale*

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[1] "Vita enim Christi et apostolorum reduxit mundum, quantum fuit possibile, ad statum innocentiae et ius naturale. Nunc autem iure naturali omnia omnibus sunt communia ita, quod in omnibus homines habuerunt usum de iure naturali. Et nullus habuit proprietatem seu dominium. Nec quis dicere potest: hoc est meum, hoc est tuum, quia hoc est de iure gentium et de humana consuetudine, equitati naturali contraria. Sed omnia quantum ad dominium et proprietatem sunt ipsius Dei, de quo in psalmo dicitur: Domini est terra et plenitudo eius" (fol. 49, II).

in a different sense than we do at the present time. To-day one understands by *ius gentium* international law, which is absolutely positive law. St. Thomas asserts in more than one place, that proprietorship is not by reason of *ius naturale* but by reason of *ius gentium.* [1] But St. Thomas never intended that proprietorship is not by reason of the natural law in the sense that we at the present time understand *ius naturale.* St. Thomas, after the custom of the old Roman jurists, designates by *ius naturale* that which proceeds from the inclination of our nature, which is common with the nature of animals. That right, or law, on the other hand, which we possess by reason of *human (rational)* nature, in so far as it is rational, is designated by him as *ius gentium,* because it is common to all people. [2] At the present time one defines natural law as that law which we possess by reason of our rational nature, and, in the wide sense of the word, would include the *ius naturale* and *ius gentium* of St. Thomas and the Roman jurists. [3] Evidently Bertrand's terminology of *ius naturale* is that of St. Thomas and the Roman jurists, when he says, all temporal goods are, according to the natural law, common. For we know that such a terminology was by no means rare even in the 14th century.

Bertrand's assertion, that in man's primitive state there was no private possession, is also asserted by others. The celebrated Cardinal Toledo says that, *after* Adam's fall into sin, the division and appropriation of temporal goods were necessary. [4] Suarez declares that in Paradise there was no apportioning (division) of immovable goods. [5]

In his endeavor to prove that Christ and the Apostles possessed nothing with proprietary rights, Bertrand did not

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[1] Cf. Cathrein, *Moralphilosophie,* II, 327.

[2] Id., l. c., I, pp. 609-10.

[3] Id., l. c., I, p. 613 sq.

[4] Id., l. c., II, p. 326.

[5] Suarez, *De Opere sex dierum,* l. 5, c. 7, n. 18.

express himself clearly in regard to the basis of proprietorship. But he does not deny that the right of proprietorship comes from natural law in the sense that we understand natural law at the present time. For the rest, we know very well that the question concerning the theoretical basis of proprietorship has caused no little difficulty, and various opinions were held from the time of the Fathers of the Church up to the 17th century.[1] At the present time among Catholics there are no great difficulties concerning this question, after Pope Leo XIII has spoken so clearly.[2] The difficulty formerly was principally in the variation of terminology.

While the above-mentioned theoretical arguments allow us to consider Bertrand as an energetic advocate of the Minorite opinion, we must not, at the same time, overlook certain passages in the treatise, which show Bertrand as the most moderate among the Minorite authors of the treatises. Indeed, throughout the entire treatise he is in his arguments cautious and prudent in regard to the opponents. We shall see this best from the following.

Before Bertrand gives his answer to the question in discussion, he establishes several principles (f. 45 sqq.).

First of all, the state of Christ and the Apostles is the most perfect of all states, and in it are to be found in the highest degree all the perfections, that may be found in any state of perfection whatsoever.

Secondly, in the Church there are two principal states of perfection: the religious state (*status perfectionis acquirendae*) and the state of the prelates (*status perfectionis exercendae*).[3]

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[1] Cf. Cathrein, l. c., II, p. 310 sqq.

[2] Encycl. *Quod apostolici* (Dec. 28, 1878): "Ius proprietatis ac dominii ab ipsa natura profectum; lege naturali sancitum." In the encyclical *De conditione opificum* (May 15, 1891): "Possidere res privatim ut suas ius est *homini a natura datum.*" Cf. Cathrein, l. c., II, p. 321, n. 4.

[3] This distinction of the two states is not to be found in the treatises of the other Minorite authors.

These two states are absolutely distinct from each other and each is in itself an independent state. Absolute poverty, i. e., the renunciation of all temporal goods, belongs to the very essence of the religious state. However, not because absolute perfection in itself consists in total poverty, for absolute perfection in itself considered consists essentially in love of God and of our neighbor; but because the renunciation of earthly goods is a very appropriate means of acquiring perfection. On the other hand, absolute poverty does not belong to the state of the prelates, but rather the exercise of hierarchical acts, which are *purgare, illuminare et praeficere*. For this reason the prelates may possess temporal goods without impairing the nature of their state, because poverty does not pertain to the essence or nature of their state.

In regard to Christ and the Apostles Bertrand asserts, that in their state the perfections of the two above-mentioned states, i. e., the perfections of the religious state and those of the state of the prelates, are to be found. This is a logical conclusion from his principle, that the state of Christ and the Apostles, as a most perfect state, contains in itself in a pre-eminent manner the perfections of any other state.

With this distinction Bertrand justified the possession of temporal goods by the prelates, but without having fallen into a contradiction, as Tocco opines.[1] Furthermore, accord-

[1] Tocco, l. c., 28-29, sees in this distinction by Bertrand a victory for the opponents. Then, he says, since absolute poverty is necessary for those who are striving after perfection (*status perfectionis acquirendae*), and on the other hand, the possession of temporal goods (immovable) is permitted those of the second state (*status perfectionis exercendae*), because they are already perfect, and will not be impaired by such possession, one must admit, therefore, that Christ and the Apostles also possessed temporal goods as their own, because they were perfect in the highest degree.

However, Tocco's opinion is absolutely incorrect. Bertrand speaks of two perfections pertaining to two distinct states. His term *perfectionis exercendae* does not mean, that those who belong to this state are already

ing to Bertrand the state of the prelates may also be called the state of Christ and the Apostles, if one considers Christ and the Apostles as representatives of the Church. Can one dispute that Christ and the Apostles exercised the hierarchical acts, *illuminare, purgare, docere?* Absolutely not. On the contrary, Christ constituted the Apostles as the first prelates of the Church, from whom the prelates of the Church have their origin. Which one of these two states is, absolutely speaking, more perfect, Bertrand does not say. He speaks only of the relative perfections that are proper to the two states, and he does not fall into the exaggerations of former authors of declaring that absolute perfection in itself is essentially constituted by total poverty. If his distinction of the two states appears to us as a compromise, we should not forget that the disputed question was by no means certain, and Bertrand's conservative spirit made him proceed with due moderation. One can justly say it is less a compromise than a sign of Bertrand's prudent, conservative spirit.

We see Bertrand's moderation very clearly when he directly answers the question in discussion (fol. 45 sqq.). After he had submitted his opinion to the definitive judgment of the Holy See, he says that the assertion that Christ and the

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so perfect that they do not need to strive after ABSOLUTE perfection, but need only to practice it (*exercere*). The term *exercere* means that the perfection that is distinctive of their state consist in *exercere actus hierarchicos*. Therefore, according to Bertrand this perfection *exercere actus hierarchicos* was also to be found with Christ and the Apostles, because, their state, being perfect in the highest degree, must include all relative perfections of all other states. Those belonging to this *status perfectionis exercendae* could, according to Bertrand, possess temporal goods as their own, because *exercere actus hierarchicos* constitutes the very nature or essence of their state and not absolute poverty. However, Christ and the Apostles practiced absolute poverty, according to Bertrand, because in their state the relative perfection of the *status perfectionis exercendae* namely, absolute poverty, was also to be found. By no means one can logically conclude from Bertrand's distinction, what Tocco would like to propound.

Apostles had no right of possession of those things which they used, is not heretical.[1] For the contradictory assertion (that they had the right of possession) is not an article of Faith, or a conclusion from an article of Faith, or a phrase which one can evidently prove from Scripture. However, Bertrand does not pretend to assert which of the two opinions is absolutely true. But which of the two is more probable and nearer to the truth, Bertrand does not hesitate to prove. He says, if the Minorite opinion is not absolutely for certain the correct one, it remains always more probable than that of the opponents.

These few words show us how Bertrand in his endeavor to defend the Minorite opinion concerning the poverty of Christ did not proceed inconsiderately. As a learned man he recognizes that the question is difficult: as a conservative diplomat he remembers that the Pope is favorable to the opinion of the opponents. But, as stated before, we do not find a real compromise in Bertrand's treatise, because in his moderation he remained ever true to the Minorite opinion.[2]

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[1] "His praemissis cum summa reverentia et sub correctione Sedis Apostolicae, cuius definitioni et determinationi sensum meum et intellectum totaliter submitto. Paratus sum enim sequi usque ad mortem, dico, etc." (fol. 45, III).

[2] One often hears the remark that the Minorite authors of these treatises, as well as the Chapter of Perugia, advocated Spiritualistic teachings, which teachings they themselves shortly before had attacked and repudiated. However, neither Bertrand nor the other Minorite authors of these treatises nor the Chapter of Perugia advocated teachings of the Spirituals. Their thesis: non-possession in common of Christ and the Apostles, and their opinion that the Minorite Order was the most perfect on account of its absolute poverty, were principles which the Community and the Spirituals advocated. Such principles are not specifically Spiritualistic but Minorite principles. This is the reason for the similarity between the ideas of the Community during the controversy concerning the poverty of Christ and certain previous assertions of the Spirituals. Specific Spiritualistic ideas are not to be found in the Community of the

and does not say that the opponents also are right. It would be a true compromise if Bertrand receded from his principles and sided with the opponents.

On account of this moderation Bertrand remained ever in the Pope's favor, even after the promulgation of the decretal *Cum inter nonnullos,* although the other authors of the Minorite treatises had to suffer from the Pope's hand. [1] Bertrand not only remained in the Pope's favor but even won the confidence of the Pope to such a degree that John XXII entrusted him with the government of the Order at a most critical time for the Order. We shall see this clearly in the course of the next chapter.

Order during the theoretical controversy concerning the poverty of Christ and the Apostles. (Cf. Carlini, *Fra Michelino,* 223, n. 1). Cardinal Vitalis and also Cardinal Bertrand often refer to St. Bonaventure and Pecham in the course of their treatises. These latter two were genuine representatives of the Community of the Order and had absolutely nothing to do with the Spirituals.

[1] Cf. p. 57, n. 1, of the present work. Cardinal Vitalis de Furno was energetically attacked by John of Naples, O. Pr., on account of his treatise (cf. Langlois in *Hist. litt.*, XXXVI, p. 303). John's treatise in this controversy is in the fifth part of the above mentioned Vatican Codex (fol. 164 sqq.). In the same part of the codex there is also a treatise of the Dominican General Hervaeus Natalis. Langlois promises an article about John of Naples, which should appear in the last part of the XXXVI volume of the *Histoire litt. de la France.* However this part of the volume appeared in 1927 and in it we find nothing more about John of Naples than a note saying, that the said article will appear in a later volume of the *Histoire litt.*

CHAPTER V.

The Minorite Order after the Decretal "Cum inter nonnullos" until the Chapter of Paris (1329). Cardinal Bertrand de Turre as Apostolic Vicar General of the Order and his last Days.

The above-mentioned decretal *Ad conditorem canonum* did not decide the warmly agitated question concerning the poverty of Christ.[1] This took place with the dogmatical decretal *Cum inter nonnullos* (Nov. 12, 1323).[2]

By this dogmatical decretal the Pope declared as heretical, "to deny our Saviour and His Apostles juridical right of possession and the right of use in those cases where this right is, according to the Biblical account, either directly or indirectly presupposed."[3] This is the only phrase that was laid down as a dogmatic doctrinal decision during the controversy concerning the poverty of Christ. The decretal should definitely end the controversy about the poverty of Christ and the Apostles, and, as a definition *ex cathedra*, should be accepted without further delay by all Catholics.[4] In reality

[1] Cf. pp. 76-77 of the present work.

[2] *BF*, V, n. 518.

[3] "Rursusque pertinaciter affirmare, quod redemptori nostro praedicto eiusque apostolis in iis quae ipsos habuisse scriptura sacra testatur, nequaquam ius ipsis utendi competit nec illa vendendi seu donandi ius habuerint aut ex ipsis alia acquirendi... assertionem ipsam pertinacem... deinceps erroneam fore censendam merito ac haereticam declaramus."

[4] "... diversis diversa et adversa etiam sentientibus circa illud (i. e. quaestionem de paupertate Christi): nos huic concertationi finem imponere cupientes..."

later decretals give us nothing essentially new in regard to the controversy, but defend and establish anew *Ad conditorem* and *Cum inter nonnullos*. Although the Pope had decided the controversy by this decretal, the controversy was by no means settled for all individuals. The opposition against the Papal authority continued the controversy. The attitude of the Minorite Order towards the Pope during the course of the next few years presents some difficulty to the objective historian, but after a thorough investigation becomes much clearer.

Although the Minorites are not mentioned in this decretal, the Pope, nevertheless, made an impression on them because according to the text of the decretal their doctrine concerning the poverty of Christ is condemned. What made the question more difficult was the fact that Pope John XXII seemed to contradict the former decretal of Pope Nicholas III *Exiit qui seminat*. Even more, he seemed to contradict his own former decretal *Quorundam exigit,* by which he had praised and exalted *Exiit.*[1]

What was Bertrand's attitude in regard to the Papal decision contained in *Cum inter nonnullos*?

After the promulgation of *Cum inter* we find Bertrand very quiet. He was already occupied with his curial duties.[2] It is not to be doubted that he had submitted to the authority of the Pope. For the part that he took when Cesena broke into open conflict with the Pope shows us that Bertrand was a man in whom the Pope placed his fullest confidence. This fact excludes any opposition from Bertrand to the Papal authority.

Not only did Bertrand submit to the authority of the Pope but also the majority of the Minorite Order did likewise.

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[1] Cf. p. 44 of the present work.

[2] Between June 20 and July 1, 1324, Bertrand consecrated the Minorite Paulinus de Venetiis Bishop of Pozzuoli (near Naples). Cf. *BF,* V, p. 266, n. 7.

This latter assertion, however, requires a more detailed explanation.

The statement that the Minister General of the Order, Michael of Cesena, and the entire Order were in opposition to the Pope from the Chapter of Perugia up to Michael's deposition (1328), is certainly incorrect.[1] The untenableness of this assertion can offhand be proved by established facts taken from the same period. But it is also a fact that individual Minorites were in opposition to the Pope.[2] To what degree were the superiors of the Order responsible for this opposition among the friars, is by no means evident.

In the appellation of Sachsenhaus, which Louis the Bavarian promulgated against the Pope on May 22, 1324, we find a chapter which describes the Pope as an adversary of Christ and opponent of the genuine followers of St. Francis. The Pope is likewise declared to have contradicted the constitutions of the Church through his perverted statutes directed against Evangelical poverty.[3] This shows us too clearly that there were Minorites on the side of the Emperor against the Pope. For in the Appellation of Nürnberg, written shortly before, the Minorites were accused of having broken the seal of confession, and now they are protected by the Emperor.

John XXII readily perceived that the Minorites had had a share in the compilation of the Appellation, and as an answer

[1] Heyesse, in *AFH*, IX (1916), 148.

[2] On December 1, 1323, Pope John XXII wrote to the Bishops of Ferrara and Bologna on account of a Minorite, William of England (not William Ocham), who publicly preached that Christ and the Apostles had had absolutely nothing in common or individually. Cf. *BF*, V, n. 520.

[3] Cf. Schwalm, *Die Sachsenhäuser Appellation*, Weimar, 1906. The part concerning the Minorite poverty is in *BF*, V, p. 271. Cf. also Hauck, *Kirchengesch.*, V, p. 489 sqq.; also Zeumer, in *Neues Archiv für ältl. deutsch. Geschichtskunde*, XXXVII (1912), 219, and Priesack in *Zeitschr. für Kirchengesch.*, XVII (1897), 72 sqq.

promulgated the decretal *Quia quorundam* (Nov. 10, 1323).[1] By this decretal the Pope forbade any one to attack the decretals *Ad conditorem* and *Cum inter nonnullos*. Furthermore, he defended these two decretals in a detailed manner by refuting point by point the objections and accusations in the appellation. But withal *Quia quorundam* does not bring us anything essentially new in the controversy about poverty.

Did this opposition to the Pope come from the Minorite Order as such, and, first of all from the Minister General, Michael of Cesena, or did it come only from individual friars of the Order?

The fact that Michael of Cesena and other Minorites at a later period came into open conflict with the Papacy, and openly took the side of Louis the Bavarian, has led some to assert that Michael (and the Order) from the very beginning were on the side of the Emperor. For this reason they considered the above-mentioned part of the Appellation of Sachsenhaus as the work of Michael or, at least, consider it to have been written at his command. Hofer has already proved that this assertion is false in regard to William Ocham, who afterwards wrote so passionately against the Papacy in regard to the controversy about poverty.[2] He proves that when Ocham was commanded by the Pope to come to Avignon in the year 1324, he had not as yet occupied himself with the question of the poverty of Christ. Ocham was ordered to come to Avignon on account of his suspicious philosophical teachings (Nominalism). While his teachings were being examined, he was obliged to remain in Avignon, and there began to occupy himself with the controversy concerning the poverty of Christ. Justly does Hofer assert: " The question of poverty alone never made Ocham an enemy of the Papacy. The starting point of his dissension with Pope John XXII

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[1] *BF*, V, n. 554.

[2] Hofer, *AFH*, VI (1913), 439-65.

was much more the then beginning attack of the ecclesiastical authorities against Occamismus." [1]

It has also yet to be proved that Michael of Cesena had a hand in the compilation of the Appellation of Sachsenhaus. The suspicion in this regard, often alluded to by some authors, is unfounded.

Callaey proves that the Minorites who were directly involved in the appellation were Francis of Lutra, an extreme Spiritual, and the Minister Provincial of the German Province, Henry of Thalheim. [2] Francis had already fled to Germany in the beginning of the year 1324, and was preaching against the Pope throughout Germany. We know that the Pope himself suspected Francis of having had a part in the appellation from the fact that on June 27, 1324, he ordered several bishops in Germany, the Provincial and superiors of the German Minorite Province to seize Francis. [3] The Provincial did not seize Francis of Lutra, as the Pope had commanded, because he himself was in the confidence of the Emperor. [4] A direct participation of Ubertinus of Casale in the appeal does not appear probable, because he was at that time in Avignon. [5] Neither does it appear that Bonagratia of Bergamo

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[1] L. c., p. 465.

[2] Calley, *Ubertine de Casale*, p. 240 sq.

[3] Cf. *BF*, V, n. 459 and Callaey, l. c., 247, n. 3. On account of tenaciously clinging to the errors of the Fraticelli, Francis was summoned to Avignon Feb. 1, 1322. On Oct. 10, 1323, he received permission to enter the Benedictine Order in the Abbey of St. Andrew in the Diocese of Avignon.

[4] Henry, who was no longer Provincial after 1326, was in the company of Louis the Bavarian during the march on Rome, and was even the chancellor of the emperor from December 22, 1328, until January 4, 1330. He died after the year 1338 and before 1343, having been reconciled with the Church previously. (Cf. Hofer, *Zeitschr. für Kirchengeschichte*, XXI. p. 248, n. 1, and *AFH*, VI, p. 655, n. 2, and p. 660).

[5] Ubertinus left Avignon certainly not before July 15, 1324, and probably only during the year 1325. Cf. Callaey, l. c., p. 224.

had a direct hand in the appellation. The fact that the *excursus spiritualisticus* of the Appellation of Sachsenhaus contains some texts etc. from Bonagratia's protest of January 14, 1323, against the bull *Ad conditorem canonum*, proves nothing. For this protest was already known to the Minorites and could have easily been used by others. Bonagratia was at the time in Avignon and does not appear to have had a hand in the affair. Michael of Cesena was then in Italy and one cannot, therefore, ascribe a direct participation in the appeal to him. Nevertheless, would it have not been possible that the opposition depended on the initiative of Michael?

The opposition of individual members of the Minorite Order could not without positive proof be ascribed to the Minister General of the Order. Individual convents had their local superiors, each province also had its Minister Provincial. As superior of a numerous and extended organization it would have been impossible for the Minister General to immediately suppress individual cases of opposition of his subjects throughout the world. On the contrary, we have positive proof that Michael and the Order as such strove to crush the opposition of individual friars against the Pope. This took place at the Chapter of Lyons in the year 1325.

The capitulares at Lyons commanded all brethren of the Order to speak with moderation and reverence about the Church, the Pope's person and his constitutions. Violators of this command should be punished with imprisonment (confinement), and the superiors were obliged to report such violators to the Minister General.[1] Perhaps Michael and some

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[1] Cf. Glassberger, *AF*, II, p. 135: "Et idem dominus Papa plures commissiones fecit dicto Generali Ministro de absolvendis Ministris plurium Provinciarum dicti Ordinis et de instituendis aliis in locum eorum; quas commissiones saepe dictus Minister executus est." However, we cannot prove that Michael really at that time deposed many Provincials.

of the capitulares at Lyons were personally not pleased with the declarations of the Pope; but this resolution of the Chapter shows us, nevertheless, that Michael and the majority of the Order were not in opposition to the Pope. All Papal decrees concerning the question of poverty should by no means be contradicted or attacked. The theologians of the Order were already busy with all kinds of subtle distinctions to establish harmony between *Exiit* and the decretals of John XXII; and the ambiguity of the terms under discussion (*habere*, *uti*, *possidere*, etc.) permitted them to a certain degree to attain their aim. [1] The Pope could indeed be satisfied that the responsible government of the Order offered no more opposition.

But when the ordinance of the Chapter of Lyons showed the Pope that the Order as such did not offer opposition, Michael had, on the contrary, precisely before the Chapter, given the Pope occasion to mistrust him; he had transferred the place of Chapter.

Originally the place for the Chapter of 1325 was decided upon as Paris. Michael, however, fearing that the Pope might perhaps through the intervention of the King of France, force the assembly to issue a solemn, humiliating retraction of the declaration of Perugia, transferred the place of Chapter at the last moment to Lyons, which was beyond the jurisdiction of the said King. In reality, the Pope had no intention of doing that which Michael feared he would do. [2] The fact itself that Michael, without any difficulty whatsoever from the Roman Curia, transferred the seat of Chapter, shows us that the

[1] Cf. the account of Andreas Richi in *AFH*, III, p. 277. Already in Nov. 27, 1324, Pope John XXII ordered that the three decretals *Ad conditorem*, *Cum inter nonnullos* and *Quia nonnunquam* should be read and taught in the University of Paris and in the *Studia generalia* of the Order (cf. *BF*, V, n. 557).

[2] Cf. the account of the Minister General Gerald Odonis, the successor of Michael of Cesena, in the letter to Michael (*Quid niteris*, *AFH*, IX, p. 147), which Michael strove to repudiate and prove false.

Pope had absolutely no intention of mixing himself up in the affairs of the Order. He awaited the results of this, the first Chapter after the declaration of Perugia in order to see the official attitude of the Order to the Papal decrees concerning the poverty of Christ. Only after the responsible government of the Order had shown opposition, would it have been necessary for him to demand a solemn retraction of the declaration of Perugia from the Order. But Michael suspected the Pope before the Chapter and thereby caused the suspicion of the Pope to fall on him. Perhaps this mistrust of Michael and the Pope toward each other would have disappeared in time, because Michael's letter from Paris on March 4, 1326, to the Minister Provincial of the German Province, Conrad of Rottwil, could have shown the Pope that Michael still strove to crush the opposition against the Pope in Germany.[1] But precisely at this time the strife between Louis the Bavarian and the Papacy broke out openly, and destroyed this chance of mutual confidence between the Pope and Michael; the ambiguous relations between the Pope and Michael now led to a catastrophe.

The political conditions in Germany were now so favorable to Louis, since his reconciliation with his political opponent, Frederick the Fair, and the death of the head of the Habsburg dynasty, Prince Leopold,[2] that he saw himself in a position to interfere in the affairs in Italy. After a meeting with the Ghibellines from Italy at Trent, Louis undertook, at their instance, in March 1327, his march on Rome. Among those accompanying the Emperor to Italy were Marsilius of Padua, John of Janduno, the Minorites Ubertinus of Casale and

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[1] The letter is in *Glassberger's Chronicle, AF*, II, 136. It forbids the promulgation of any kind of writing of the brethren of the Province of Germany without permission of the General Chapter. The violators of the ordinances of the Chapter of Lyons should be punished with severity.

[2] Leopold died on February 25, 1326. Cf. Hauck, l. c., p. 508, n. 4.

Henry of Thalheim, and other learned men. Already at the parley in Trent Pope John XXII was no more spoken of as the legitimate Pope. Sixteen articles were proposed which should prove that John XXII was a heretic. In these articles we can observe the influence of the Minorites accompanying the Emperor; in order to establish the arguments against the Pope, the Pope's attitude in the controversy on the poverty of Christ is exclusively used.

In May of the same year Louis was in Milan, where on May 31 he had himself crowned King of Lombardy. He remained in Milan until the middle of August of the same year.[1] Only on January 7, 1328, did he enter Rome, where on the 17 of the same month he was crowned Emperor by the Prefect of the city and delegates chosen by the Roman population.

With the march of the Emperor on Rome began the tragedy of Cesena. The fact that Michael went to Italy from France, where he was in March 1326, certainly aroused the mistrust of the Pope more than ever. In reality, it was very imprudent for Micheal to take up his residence in Italy exactly at the time when conditions in Italy were so critical. The Pope, therefore, found it necessary to remove the General from Italy at such a critical time, and accordingly wrote to him on June 28, 1327, to come at once to Avignon to report at the Roman Curia.[2] Michael could not undertake the journey at once on account of sickness, but sent two messengers to Avignon to inform the Pope that he was sick and that he would come as soon as he possibly could. The Pope answered Michael that he had received the messengers and awaited his ar-

[1] Precisely during this time, i. e. in the Spring and Summer of 1327, Marsilius of Padua wrote his radical treatise against the Papacy *Defensor pacis*, at least in the form in which it has been handed down to us, and indeed without outside help. Cf. Otto, *Marsilius von Padua und der Defensor Pacis*, in *Hist. Jahrbuch*, XLV (1925), 189 sqq.

[2] *BF*, V, n. 667.

rival.[1] On December 1st of the same year Michael arrived in Avignon and was received by the Pope with the customary curial ceremony. When, however, on the following day Michael was reproved by the Pope on account of conditions in the Order, he deposed several superiors which the Pope had accused of dishonorable conduct.[2] At the end of the audience the Pope forbade Michael to leave Avignon without his express permission. During the next four months nothing more took place between the Pope and Michael.

It is true that Michael's relations with the Pope, or better his exact attitude toward the Pope, were ambiguous before his arrival in Avignon, but during his stay in Avignon Michael became a direct opponent of the Pope. As the head of a numerous and esteemed Order he certainly must have felt it very humiliating to have his personal freedom taken away from him to such a degree that he could not even leave Avignon. In this opposition to the Pope, or better bitterness against the Pope, Michael would have found those in Avignon who like himself were there under surveillance and also shared his view in regard to the Pope, namely, Bonagratia of Bergamo,[3] and the talented academist William

[1] *BF*, V, 687; cf. the letter (Finke, *Acta*, II, n. 427) from the leaders of the ecclesiastical party and of the Guelphs in Perugia. It is an apology for the letter of recommendation, that they had given to the two Minorites (namely the messengers of Michael to the Pope: John Fidansolae and Humilis Beneauditi); they had not known that these two were going to Avignon for Michael of Cesena, who, on account of his alliance with Louis the Bavarian hoped to become Pope, and that they sought to excuse the absence of Michael on account of sickness. The editor dates this letter Perugia (1328) August 28. However, in Vol. III, n. 1, of the *Acta*, p. 535, he corrects himself: "This writing does not pertain to the year 1328 but to 1327, etc." The date is therefore August 28, 1327.

[2] W, ad an. 1327, n. 8.

[3] After the above-mentioned protest (cf. p. 76, n. 1) Bonagratia was detained in prison for about a year (cf. A. Mercati, in *AFH*, XX, p. 272, n. 4), and upon being released was obliged to promise under oath to remain

Ocham.[1] In the meantime the Pope used the time well to examine the accusations, on account of which Michael had been summoned to Avignon. Thus Michael was called to audience before the Pope on April 9, 1328, and in the presence of Cardinal Bertrand de Turre, and other Minorites examined by the Pope.[2] According to the Pope in a letter of a later date (June 9, 1328) to King Alphonsus IV of Aragon, the accusations against Michael were of great importance. The Pope had heard before

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in Avignon (*BF*, V, 714), where he remained until his flight in 1328. Some discussion has taken place concerning the date of his death but, according to the common opinion now prevailing, he died June 19, 1340, without having been reconciled with the Church. Cf. Oliger in *AFH*, XXII, pp. 303-304.

[1] Ocham says in his letter to the Chapter of Assisi in 1334: "Noveritis... quod fere quatuor annis integris in Avenione mansi, antequam cognoscerem... Postmodum vero, ex occasione data, superiore mandante, tres constitutiones... *Ad conditorem, Cum inter nonnullos* et *Quia quorumdam* legi et studui diligenter." (Baudry in *Rev. d'hist. franciscaine*. III, p. 202). It is evident that Ocham assigns the time of his study of the decretals concerning poverty and of his knowledge of their "heretical" character to the end of his detention in Avignon. It is also evident, that Ocham ascribes the first impulse of his aforesaid action to the command of his superior (*superiore mandante*). This superior can be no other than the Minister General Michael, who was considered by Ocham as his lawful superior in Avignon, since he was living in Avignon beyond the jurisdiction of his Minister Provincial of the English Province. Perhaps Ocham received this command somewhat before the audience of April 9 (1328), when Michael openly resisted the Pope. Nevertheless the *superiore mandante* might refer just as well to the period immediately after the audience, when Michael was in open conflict with the Pope. Cf. Hofer, in *AFH*, VI, pp. 456-57.

[2] The *Allegationes Magistrorum* (Baluze-Mansi, III, p. 315) say nothing of Bertrand's presence. However, he was undoubtedly there. Michael himself in his appeal (Baluze-Mansi, III, p. 303) and even the Pope in *Dudum ad nostri* (*BF*, V, n. 714) name him as being present: "Cardinalis Bertrandus de Turre, Raymundus de Lados procur. generalis Ordinis, Petrus de Prato ac Laurentius de Coalhano baccalaureus conv. Avenionensis."

Michael's arrival in Avignon, and also afterwards, from members of the Order and from other trustworthy persons that Michael had worked against the Pope and the Church; that he was favorably inclined towards heretics and other persons rebelling against the Church (i. e. Louis the Bavarian and his associates); that he persecuted those members of the Order who had remained faithful to the Church and reverenced her, and many other things.[1] To what degree were these accusations true, one cannot precisely determine, because the audience became very turbulent and in the end Michael was forbidden under pain of excommunication and deposition from his office to leave Avignon.

In this audience we encounter Cardinal Bertrand de Turre for the first time since the promulgation of the decretal *Cum inter nonnullos*. Evidently Bertrand, as also the Procurator of the Order and the lector from the convent of Avignon, were witnesses at the trial. We do not know whether Bertrand was among those Minorites from whom the Pope had received accusations concerning Michael after he had arrived at Avignon. However, the part that Cardinal Bertrand de Turre afterwards has in the affairs against Michael does not exclude this possibility. At any rate he was not present at this audience in order to defend Michael.

After this audience the Pope hoped to bring about a change in the government of the Order at the next General Chapter, which was to be held at Bologna on Pentecost (May 27). Michael was not permitted to go to the Chapter, and in place of the General the Pope sent Cardinal Bertrand de Poietto (not de Turre) as praeses of the Chapter. Bertrand was to be bring about Michael's deposition by the Chapter and at the same time the election of another Minister General. But this plan miscarried. Cesena was confirmed in his office by a unanimous vote of the Chapter.

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[1] Finke, *Acta*, III, pp. 536-37.

The capitulares considered their Minister General as unjustly pursued by the Pope, and they took him under their protection. But one must not overlook the fact that King Robert of Naples and his consort, Sancia, influenced the capitulares through legates in Michael's favor.[1]

The decree of confirmation never reached Michael in Avignon. For before the news from the Chapter had reached Avignon, Michael had fled from the city. The report of the election of the Minorite Petrus Raynalducci de Corbaria as anti-pope on May 12, 1328, which election was the work of Louis the Bavarian, induced Michael to depart from Avignon at once before the Pope could take further steps against him. Accordingly on May 26, under cover of darkness Cesena, Bonagratia and Ocham fled from Avignon, and reached the French port of Aigues-Mortes, where they boarded a small boat waiting for them beyond the harbor on the open sea, and sailed for Italy.[2]

This flight incensed the Pope exceedingly and he at once wrote to the various bishops and inquisitors, commanding them to seize Michael and his companions, should they be able to do so. Letters to the princes and kings followed, in which the events of the last few days were described, and at the same time forbidding them to take Michael under their protection. Finally on June 6, the Pope deposed Michael from the Generalate and declared him, together with Bona-

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[1] W ad an. 1328, n. 17: "Valde diligebat Michaelem Robertus Rex Siciliae, et Sancia coniux eius, miseruntque ad comitia nuntios, qui sumptuum ferrent subsidia, et partes agerent secreto Michaelis, ne ullum pateretur honoris detrimentum."

[2] Whether this small boat was sent by Louis the Bavarian, as Pope John XXII later asserted, or not, is not certain. Cf. Carlini, l. c., p. 128, n. 1. Concerning the anti-pope (Nicholas V) cf. Eubel in *Hist. Jahrb.*, XII (1891), 277 sq., and Pfluck-Harttung in *Zeitschr. für Kirchengesch.*, XXII (1902); cf. also Mathias, *Beiträge zur Geschichte Ludwigs des Bayern während seines Römerzugs. Haller Dissertation* (1908), 52 sq.

gratia and Ocham, excommunicated for having left Avignon without his permission.[1] Shortly afterwards, on June 13, the government of the Order was entrusted to Cardinal Bertrand de Turre, by the Pope's appointing him Apostolic Vicar-General of the Order until the next Chapter.[2]

It was a very critical time for the Minorite Order. The capitulares at Bologna had certainly made the Pope dissatisfied by confirming Michael in his office against the Pope's wishes and endeavors. Would the Order now remain faithful to Michael or to the Pope? Michael had arrived in Pisa on June 9, and at once began his defense against the Pope. On July 4, he wrote a letter to all the brethren of the Order in which he describes how he had been unjustly persecuted by the Pope.[3] Shortly afterwards his *Appellatio maior* was issued and with this began the epistolary contention between Michael and his followers on one side, and the Pope and the Minorite Order on the other.[4]

Cardinal Bertrand de Turre saw clearly that the Order would be in a desperate condition if Michael could wield further influence on the brethren. For this reason he had already taken strict measures against the contumacious General.[5]

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[1] *BF*, V, n. 714.

[2] *BF*, V, n. 716.

[3] Cf. Baluze-Mansi, III, pp. 244-46.

[4] Cf. p. 64-65 of the present work.

[5] Fr. Giordani, O. F. M. Un. Leon. (*AFH*, VIII, 672-75) published a letter which Bertrand wrote to the Friars, Custodes and Guardians of the Minorite Order. He commanded all the friars to seize Michael of Cesena and his companions, should it be within their power, and forbade any intercourse with the fugitives in any manner whatsoever. Furthermore copies of this letter should be made and forwarded to all the convents, and under holy obedience should this letter be read in the chapter of each convent every week. Giordani edits this letter from a manuscript from the archives of *Conventus S. Francisci, O. M. Conv.* in Bologna, which archives now form a part of the state archives in that city

As Vicar-General of the Order he ordered a new General Chapter to convene at Paris on Pentecost of the following year. But Michael feared a General Chapter because the Order had not yet confirmed his deposition by the Pope. He, therefore, wrote a letter to all the brothers of the Order on November 26, 1328, commanding them not to convene at Paris for Chapter as Bertrand had ordered.[1] Bertrand wished to prevent anything happening at the next Chapter like what had happened previously at Bologna, and accordingly with the Pope's consent and authorization deposed some of the Minister Provincials and Custodes, who were either Cesena's friends, or could be accused of having permitted disturbances in their respective provinces.[2] Michael now made the last effort to prevent the Chapter by writing to Queen Johanna of France, who was still favorable to him. The Queen, in fact, addressed a letter to the Pope asking

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(Archivio di Stato, Sezione Demaniale, 343-5086, n. 58). It is not the original letter but a copy of it on parchment, and copied by one well versed in the art of writing. The writing appears to be of the fourteenth century. I do not doubt that this document is a copy of the genuine letter of Bertrand de Turre, even though it has remained unknown until the present time. From another letter of Bertrand we have only the mention of the Pope in a writing of June 15, 1328, to the inquisitors and rectors of all the churches in Italy, that a letter from Bertrand de Turre was enclosed with his own. (*BF*, V, n. 717) Since our letter of June 18, speaks so severely concerning Michael of Cesena, one would perhaps wish to know why it was never mentioned. The answer is evident. Bertrand's letter contains nothing new, but commands the superiors to seize Michael according to the Papal ordinances, which Michael shortly afterward in his *Littera excusatoria* and *Appellatio maior* attacked and repudiated.

[1] Baluze-Mansi, III, 314 sq.; cf. p. 65 of the present work.

[2] The *Allegationes* (Baluze-Mansi, III, 315 sq.) relate that from the 34 Minister Provincials, who had taken part in the Chapter of Bologna, 20 were missing at the Chapter of Paris. If this account is true, Bertrand had deposed twenty Provincials (not counting the *Custodes Custodum*).

him to postpone the Chapter. For, as she said, affairs were at that time too unsettled for a peaceful Chapter and a new election. But the Pope was not in the least disposed to be influenced by the Queen, and in a letter to her on May 5, 1329, made it known to her that it was impossible to postpone the Chapter. For the brethren were already on their way to Chapter and Chapter must be held.[1] In order to publicly confirm the aforesaid deposition of the Provincials and Custodes and the appointing of others in their stead, the Pope wrote a letter to Bertrand on May 15, in which Bertrand's manner of proceeding in regard to the said events was officially confirmed.[2] Thus the objection of the opponents that the election of a new Minister General would be invalid because the election of the Minister Provincial pertains to the Provincial Chapter, was completely silenced. The Pope showed the capitulares his wishes in a more evident manner by writing to them on May 25. They are warned to be cautious in the affairs of the Chapter and the election of a new Minister General, because the Order was already in a precarious situation on account of a perverse head.[3]

The capitulares convened in Chapter, and after they had declared Michael deposed from office, they elected the abovementioned Gerald Odonis as Minister General of the Order on June 10 (the vigil of Pentecost).[4] Here again we see Bertrand's ability as a diplomat; as praeses of the Chapter he brought about the election of Gerald precisely because Gerald was a man who had the Pope's full confidence, and the Pope would certainly be pleased with the election of such a man to the Generalate.

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[1] *BF*, V, n. 788.

[2] *BF*, V, n. 791.

[3] *BF*, V, n. 795.

[4] Cf. p. 40 n. 2 of the present work.

Thus was the critical situation of the Order brought to a close by the Chapter of Paris. But the controversy concerning the poverty of Christ and the Apostles was not brought to a close by the Pope's demanding a retraction of the declaration of Perugia, as has been lately asserted, nor by his demanding from the Chapter any kind of a declaration whatsoever in regard to the controversy about poverty.[1] The controversy was brought to a close by the fact that the brothers had disregarded the fugitive Cesena, and had proceeded with a new election. That sufficed to show the Pope that the Minorite Order was not in opposition to the Papacy. Not even the German Provinces of the Order (at least not in their totality) remained true to Michael, although the Minorites in Germany had been ordered by Louis the Bavarian, even dangerously threatened by him, to obey Michael as their lawful superior.[2] The Minorites on their part were content to show by means of numerous theoretical distinctions and arguments that there was no real contradiction between the decretals of John XXII and the constitution *Exiit*, upon which the Order had based its position in the controversy concerning the poverty of Christ. According to them there existed only an apparent contradiction between the decretals of the two Popes.[3] One may

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[1] Brun in *Zeitschr. für schweiz. Geschichte*, III (1923), 120. Cf. Hofer in *Zeitschr. für schweiz. Kirchengesch.*, XXI, 252-53.

[2] Cf. the writing of Louis the Bavarian to the city of Aix-la-Chapelle, June 12, 1330. (*MGH.* LL. Sectio IV, tom. VI, n. 778). Also the writing to the city of Esslingen, April 3, 1320 (l. c., n. 727).

[3] Wadding, ad an. 1329, n. 7 says: "In his comitiis omnino terminata fuit controversia de paupertate Christi, et explicata quaestionis difficultas, reducta ad concordiam decretalis Nicolai III et decisionis capituli Perusini, ex verbis Nicolaii desumptae, cum decretalibus Joannis pontificis." Wadding quotes no source whence he obtained this account. This effort to effect such a harmony was certainly put forth by Minorites but not officially in the Chapter of Paris. It is not true that Pope John XXII officially approved

perhaps think that such a harmony is not to be attained The answer to this can be found by consulting the above-mentioned treatise of Andreas Richi. [1]

If we consider the controversy concerning the poverty of Christ and the Apostles in itself, P. Marchant, O. Min. Recollect, may perhaps be correct when he says concerning it: "In his controversiis nonnisi de vocis aequivocis, de apicibus juris, de verborum significationibus et interpretationibus altercationis moveri..." [2] But when we consider the consequences of the theoretical controversy concerning the poverty of Christ and the Apostles, we see in it a great importance. The theoretical controversy concerning the poverty of Christ and the Apostles showed the old Community of the Minorite Order that the essence of the poverty of St. Francis does not consist in theoretical arguments concerning non-possession in common and, that the controversy about this was useless in regard to the practice of poverty. The Community of the Minorite Order has remained true to this conviction which had been proved by experience, even when the newly founded Observant branch of the Order shortly afterwards again brought into prominence the theoretical non-possession of the community as such.

Although Bertrand had delivered the Minorite Order from its dangerous situation at a time most critical for it, one may perhaps be inclined to reproach him for his action as head of the Order. I refer here to the above-mentioned deposition of the Provincials and Custodes and the appointing

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of and confirmed such an effort. He kept silence concerning such a harmony, and allowed individual theologians and canonists their liberty of discussion.

[1] Cf. p. 94, n. 1, of the present work. Richi thoroughly explains and demonstrates such a harmony.

[2] *Fundamenta duodecim Ordinis fratrum Minorum* (in fol. Bruxelles, 1657, pars II, tit. X, 27 b.

of others in their stead before the Chapter of Paris. Nevertheless, we must ever bear in mind the circumstances of that time.

The capitulares at the Chapter of Bologna had reconfirmed Michael in office against the wishes of the Pope. They considered Michael as persecuted by the Pope. Perhaps Michael would not have been reconfirmed in office (he certainly would not have been unanimously confirmed) if the Pope had not sought through his legate to bring about a new election, and if, at the same time, King Robert and his wife had not exercised their influence with the capitulares in Michael's favor. It cannot be said that the capitulares were not in good faith. Nevertheless, one must consider the affair objectively. The capitulares permitted themselves to be influenced by King Robert and Queen Sancia, because they looked upon these two as protectors of the Minorite traditions.[1] One might justly expect something similar from the capitulares at the Chapter of Paris. For Queen Johanna of France, who was ever friendly towards Michael, had entreated the brethren in the Chapter of Bologna to hold their next Chapter in Paris.[2] Bertrand wished to avoid that at the Chapter of Paris Michael should again through the influence of outsiders be reconfirmed. And no one can blame him such a wish. For Michael was not only excommunicated but was already allied with Louis the Bavarian and the Anti-pope (Nicholas V); he had even taken part in an assembly against the Vicar of Christ in Pisa on December 12, 1328, in which assembly Pope John XXII was publicly and in a shameful manner calumniated by Louis the Bavarian.[3]

[1] Sancia wrote a letter to the Chapter of Paris on March 15, 1329. Cf. *AF*, III, 510-12; cf. p. 45, n. 3, of the present work.

[2] Cf. Carlini, l. c., 141.

[3] Louis came to Pisa September 21, 1328. The anti-pope came only on January 3, 1329. Cf. Eubel, *Hist. Jahrb.*, XII, 282-283. During this assembly Michael preached a sermon against Pope John XXII (cf. Hauck,

This had certainly incensed Bertrand (and also others), who always respected lawful authority. One must consider the objective fact that Michael of Cesena was an obstinate rebel against the Church; it does not suffice to consider how he and his adherents subjectively believed and considered things. Furthermore, one must not overlook the fact that it is very probable that among the deposed were to be found some who favored open opposition to the Pope, or at least permitted it in their respective territories. Only when one bears in mind all these circumstances, can one attempt to criticize Bertrand.

The liberty which he had in the governing of the Order precisely during a period extremely critical for the Order, shows us how the Pope trusted Bertrand. The fact that the Chapter of Paris brought about peace without the direct interference of the Pope in its proceedings, and the fact that the same Chapter completely abandoned the rebellious Michael of Cesena and his adherents, was due to Bertrand's government of the Order during the critical days.

After the Chapter of Paris we do not find Bertrand any longer entrusted with affairs of the Order. He had performed his duties faithfully, and had reconciled the Order with the Pope. It appears that Bertrand also won the approval of the Dominicans. For in the year 1328, he was recommended to the prayers of the Dominicans assembled in General Chapter at Toulouse, and again in the General Chapter at Victoria in 1331.[1] But Bertrand was still active in curial affairs. On July 1, 1331, he consecrated Peter the Minorite, Bishop of Acerno, and in August of the same year we find him in Consistory.[2] Before September 24, of the same year he con-

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l. c., V, 519), and on the same day promulgated his *Appellatio in forma minori* (Baluze-Mansi, III, 303 sqq.).

[1] Reichert, *Acta*, II, 182 and 212.

[2] *BF*, V, n. 914 and 921.

secrated John the Minorite Bishop of Sagona, and shortly afterwards, in October, the Pope granted Arnaldus de Laminis. Ord. Min., a dispensation so that he could be promoted to the dignity of master of Theology, and this through the intercession of Cardinal Bertrand de Turre. [1]

Bertrand did not live long enough to see the last of the Michaelists die out. For he died at the end of 1332 or the beginning of 1333. [2] However, he lived long enough to see Michael, Bonagratia and Ocham completely excluded from the Order, and the Order itself restored to peaceful times. [3] The Michaelists continued their polemic against the Pope and the Minorite Order at Munich under the protection of the Emperor. But their number steadily decreased. In the years 1340-42 Michael's party was, so to say, disorganized. In the year 1340 Bonagratia died, two years later also Cesena, and very probably without having been reconciled with the Church. [4] Other leading men of the party like Henry of

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[1] *BF*, V, n. 933 and 938.

[2] Bertrand was still living on September 20, 1332, when he consecrated *Angelus Minorita* Bishop of Accia [Corsica]. (*BF*, V, n. 994). He was certainly dead before March 8, 1333, because on this date the Pope issued more detailed orders concerning the execution of Bertrand's will. (*BF*, V, n. 1010). The papal letter from March 8, presupposes that Bertrand had died somewhat before this date, because the Pope speaks of a difficulty, about which the executors of the will had previously written to him.

The permission to write a will was given to Bertrand by the Pope on November 22, 1325, and again on August 13, 1330 (*BF*, V, n. 595 and 866). In the inventory of the treasure of the Basilica of St. Francis in Assisi from the year 1338, we find some objects mentioned which had been donated by Cardinal Bertrand (Cf. *AFH*, VII, 77). The two portraits of Bertrand, which are found in the church of St. Francis in Montefalco and in a church in Gualdo (Umbria), are nothing more than creations from the imagination of artists of a later date. Cf. Oliger, *AFH*, XVI, p. 329.

[3] Cf. p. 68, n. 1, of the present work.

[4] W ad an. 1343, n. 13, says that Michael died in the year 1343 after having been reconciled with the Church. Michael died on Nov. 29, 1342,

Thalheim and Francis of Ascoli soon made their peace with the Church.[1] The last principle adherent, William Ocham, died on April 10, 1349 or 1350, and shortly afterwards also the other few adherents in Germany passed away.[2]

Thus the Michaelists fell about the same time as their protector, Louis the Bavarian († 1347). Both, in their hate and contest against the Papacy, had lost. Cardinal Bertrand de Turre had certainly played an important part in the contest against the rebel Michael of Cesena and, thanks to his effort, the Minorite Order broke away from Michael and thereby obtained complete peace and harmony with the Papacy.

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very probably without having been reconciled with the Church. Cf. Carlini, *Della ritrattazione*, and especially the testimony of Andreas Richi in *AFH*, III, 278 and n. 6 of the editor of Richi's treatise.

[1] Cf. Hofer in *AFH*, VI, 660.

[2] Concerning Ocham's last days cf. Hofer in *AFH*, VI, 654-666.

CONCLUSION

At the end of our investigation concerning Bertrand de Turre we see very clearly Bertrand's spirit and actions throughout his career. From the time of his activity as Minister Provincial against the Spirituals until his dealings as Vicar General of the Order, Bertrand was always a true representative of the old Community of the Minorite Order; conservative and therefore against exaggerated zeal. We see this first in his proceedings against his insubordinate Spiritual subjects and later in his activity against Michael of Cesena and his adherents. His determination to free the Order from the spirit of disobedience permitted Bertrand to proceed here and there very severely against his subjects. But he always had reasons for his actions. His insistance on respect for legitimate authority permitted him as superior to act at times rather subjectively, but this never happened in regard to essential affairs; only in secondary arguments and actions do we find any trace of subjectivity in Bertrand.

Bertrand's fidelity to the Papacy is ever strikingly noticeable. Although he had a different opinion concerning the poverty of Christ to that of the Pope, he was ready to submit at once when the Pope gave his decision. For this reason did Bertrand remain ever in the Pope's favor. The Pope recognized in Bertrand a loyal cooperator and a faithful son of Holy Mother Church, as Bertrand's appointment as Legate and Vicar-General clearly demonstrates.

As an advocate and defender of the Minorite opinion concerning the poverty of Christ and the Apostles he was

always moderate. His participation in the declaration of the Chapter of Perugia was not an extreme standpoint, but the opinion of the majority of the Minorites, who did not wish to affirm that their opponents were heretics. In Bertrand's treatise we have observed his respect for the opponents of the Minorite opinion, and yet without offering a real compromise.

Cardinal Bertrand de Turre without doubt rendered the Papacy and the Minorite Order great service throughout his career, especially during the critical days before the Chapter of Paris. It was principally through his ability that the Order in those precarious days triumphed over the rebellious Michael of Cesena and his adherents.

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